

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

	)	
In the Matter of	)	
	)	Inv. No. 337-TA-406
CERTAIN LENS-FITTED FILM PACKAGES	)	
	)	

GENERAL EXCLUSION ORDER

The Commission has determined that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. §1337) in the unlawful importation and sale of certain lens-fitted film packages., also known as one-time use cameras, single use cameras, and disposable cameras, that infringe certain claims of one or more of the following 15 patents: U.S. Letters Patent 4,833,495, 4,855,774, 4,884,087, 4,954,857, 4,972,649, 5,063,400, 5,235,364, 5,361,111, 5,408,200, 5,381,200, 5,436,685, Re. 34,168, Des. 345,750, Des. 356,101, and Des. 372,722.

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined that a general exclusion from entry for consumption of articles is necessary to prevent circumvention of an exclusion order limited to products of named persons because there is a pattern of violation of section 337 and it is difficult to identify the source of infringing products. Accordingly, the Commission has determined to issue a general exclusion order prohibiting the unlicensed importation of infringing lens-fitted film packages.

The Commission has also determined that the public interest factors enumerated in subsections (d) and (f) of section 337 do not preclude the issuance of the general exclusion order and that the bond during the Presidential review period shall be in the amount of one hundred (100) percent of the entered value of the articles in question.

Accordingly, the Commission hereby **ORDERS** that:

1. Lens-fitted film packages ("LFFPs"), also known as one-time use cameras, single use cameras and disposable cameras, covered by one or more of the following claims of the following patents:

claims 1, 5, 6, 9, and 11 of U.S. Letters Patent 4,833,495; claims 14 and 15 of U.S. Letters Patent 4,855,774; claims 1, 7, 8, and 15 of U.S. Letters Patent 4,884,087; claims 1, 19, and 22 of U.S. Letters Patent 4,954,857; claims 1 and 9 of U.S. Letters Patent 4,972,649; claim 14 of U.S. Letters Patent 5,063,400; claims 1 and 11 of U.S. Letters Patent 5,235,364; claim I of U.S. Letters Patent 5,361,111; claims 1, 15, 23, and 25 of U.S. Letters Patent 5,381,200; claims 1 and 7 of U.S. Letters Patent 5,408,288; claims 1 and 28 of U.S. Letters Patent 5,436,685; claims 1 and 13 of U.S. Letters Patent Re. 34,168; the claim of U.S. Letters Patent Des. 345,750; the claim of U.S. Letters Patent Des. 356,101; or the claim of U.S. Letters Patent Des. 372,722

are excluded from entry for consumption into the United States for the remaining terms of those patents, except under license of the patent owner or as provided by law.

2. For the purpose of assisting the U.S. Customs Service in the enforcement of this order, and without in any way limiting the scope of the order, which is defined by the patent claims listed in paragraph 1, the Commission has identified as infringing products unlicensed LFFP Types 1 through 6, and Types 7, 7A, 8, and 8A, as set forth and discussed in the complaint filed by the complainant in this action on February 13, 1998, and in the Initial and Recommended Determination filed by the presiding administrative law judge on February 24, 1999. Diagrams of these ten "Types" of LFFPs, as included in the evidentiary record in this investigation, are attached to this order.

3. Notwithstanding paragraphs 1 and 2 of this Order, the aforesaid lens-fitted film packages are entitled to entry for consumption into the United States under bond in the amount of one

hundred (100) percent of the entered value of such articles, from the day after this Order is received by the President, pursuant to subsection 0) of section 337 of the Tariff Act of 1930, as amended, until such time as the President notifies the

Commission that he approves or disapproves this action, but no later than 60 days after the receipt of this Order by the President.

4. Notwithstanding paragraphs 1, 2, and 3 of this Order, the aforesaid lens-fitted film packages are entitled to entry for consumption into the United States, without payment of bond, if upon importation they accompany a person arriving in the United States and are for the arriving person's personal use, or which are otherwise imported into the United States in such small quantities and under such circumstances so as to reasonably indicate to the satisfaction of the U.S. Customs Service that they are being imported for personal use rather than for commercial purposes.

5. In accordance with subsection (1) of section 337, the provisions of this Order shall not apply to lens-fitted film packages imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.

6. The Commission may modify this Order in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

7. The Secretary shall serve copies of this Order upon each party of record in this investigation, and upon the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Customs Service.

8. Notice of this Order shall be published in the Federal Register.

By order of the Commission.

Donna R. Koehnke  
Secretary

Issued: June 2, 1999

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

	)	
In the Matter of	)	
	)	Inv No. 337-TA-406
CERTAIN LENS-FITTED FILM PACKAGES	)	
	)	

**ORDER TO CEASE AND DESIST**

**IT IS HEREBY ORDERED THAT** Respondent cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising distributing, offering for sale, transferring (except for exportation), or soliciting U.S. agents or distributors for certain lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I.

(Definitions)

As used in this Order:

(A) "Commission" shall mean the U.S. International Trade Commission.

(B) "Complainant" shall mean Fuji Photo Film Co., Ltd. of Tokyo, Japan, complainant in this investigation, and its successors and assigns.

© "Respondent" shall mean Opticolor Camera, 3213 West Wheeler Street, Seattle, WA 98199.

(D) "Person" shall mean an individual, or any non-governmental partnership, firm,

association, corporation, or other legal or business entity other than the Respondent or its majority owned or controlled subsidiaries, their successors, or assigns.

(E) "United States" shall mean the fifty states, the District of Columbia, and Puerto Rico.

(F) "Covered Product" shall mean imported lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, that infringe one or more of the following claims of one or more of the following patents:

claims 1, 5, 6, 9, and 11 of U.S. Letters Patent 4,833,495; claims 14 and 15 of U.S. Letters Patent 4,855,774; claims 1, 7, 8, and 15 of U.S. Letters Patent 4,884,087; claims 1, 19, and 22 of U.S. Letters Patent 4,954,857 claims I and 9 of U.S. Letters Patent 4,972,649; claim 14 of U.S. Letters Patent 5,063,400; claims 1 and 11 of U.S. Letters Patent 5,235,364; claim 1 of U.S. Letters Patent 5,361,111; claims 1, 15, 23, and 25 of U.S. Letters Patent 5,381,200; claims 1 and 7 of U.S. Letters Patent 5,408,288; claims 1 and 28 of U.S. Letters Patent 5,436,685; claims 1 and 13 of U.S. Letters Patent Re 34,168; the claim of U.S. Letters Patent Des. 345,750; the claim of U.S. Letters Patent Des. 356,101; or the claim of U.S. Letters Patent Des. 372,722

(G) The terms "import" and "importation" refer to importation for entry for consumption under the Customs Laws of the United States.

## II.

### (Applicability)

The provisions of this Cease and Desist Order shall apply to Respondent and any of its principals, stockholders, officers, directors, employees, agents, licenses, distributors, controlled (whether by stock ownership or otherwise) and/or majority owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, *or* otherwise On behalf of Respondent.

### III.

#### (Conduct Prohibited)

The following conduct of the Respondent in the United States is prohibited by the Order. The Respondent shall not:

(A) import or sell for importation into the United States covered product except under license of the patent owner;

(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered product except under license of the patent owner;

© advertise covered product except under license of the patent owner;

(D) solicit U.S. agents or distributors for covered product except under license of the patent owner;

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered product, except under license of the patent owner.

### IV.

#### Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, Complainant licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered product by or for the United States.

## V.

### (Reporting)

For purposes of this reporting requirement, the reporting period shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date issuance of this Order through June 30, 2000. This reporting requirement shall continue in force until such time as the Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered product in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of foreign-made covered product that Respondent has imported and sold in the United States during the reporting period and the quantity and value of covered product that remains in inventory at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of the order and may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## VI.

### (Record Keeping and Inspection)

(A) For purposes of securing compliance with this Order, Respondent shall retain any and all records to the sale, offer for sale, marketing, or distribution in the United States of covered product made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of two(2) years from the close of the fiscal year to which they pertain.



(B) For the purpose of determining or securing compliance with this Order for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary forms are required to be retained by subsection VI(A) of this Order.

## VII

### (Service of Cease and Desist Order)

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the marketing, distribution, or sale of covered product in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(a) of this Order, a copy of the Order upon each successor; and

© Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subsections VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subsections VII(B) and VII© of this order shall remain in effect until the expiration date of the last to expire of the patents specified in Section I herein.

## VIII.

### (Confidentiality)

Any request for confidential treatment of information obtained the Commission pursuant to Sections V and VI of the Order should be in accordance with section 201.6 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## IX.

### (Enforcement)

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## X.

### (Modification)

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

## XI.

### (Bonding)

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the President pursuant to section 337(j) of the Tariff Act of 1930, 19 U.S.C. § 1337(j), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of the articles in question. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered product imported on or after the date of issuance of this Order is subject to the entry bond as set forth in the general exclusion order issued by the Commission simultaneously herewith, and is not subject to this bond provision.

The bond is to be posed in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders (19 C.F.R. § 210.68). The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the President approves, or does not disapprove within the Presidential review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses the Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the President disapproves this Order and no subsequent order issued by the Commission and approved, or not disapproved, by the President,

upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By Order of the Commission.

Donna R. Koehnke  
Secretary

Issued: June 2, 1999

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

_____	)	
In the Matter of	)	
	)	Inv No. 337-TA-406
CERTAIN LENS-FITTED FILM PACKAGES	)	
_____	)	

**ORDER TO CEASE AND DESIST**

**IT IS HEREBY ORDERED THAT** Respondent cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising distributing, offering for sale, transferring (except for exportation), or soliciting U.S. agents or distributors for certain lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I.

(Definitions)

As used in this Order:

(A) "Commission" shall mean the U.S. International Trade Commission.

(B) "Complainant" shall mean Fuji Photo Film Co., Ltd. of Tokyo, Japan, complainant in this investigation, and its successors and assigns.

© "Respondent" shall mean Jazz Photo Corp., 600 Blair Road, Carteret, NJ 07008.

(D) "Person" shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than the Respondent or its majority

owned or controlled subsidiaries, their successors, or assigns.

(E) "United States" shall mean the fifty states, the District of Columbia, and Puerto Rico.

(F) "Covered Product" shall mean imported lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, that infringe one or more of the following claims of one or more of the following patents:

claims 1, 5, 6, 9, and 11 of U.S. Letters Patent 4,833,495; claims 14 and 15 of U.S. Letters Patent 4,855,774; claims 1, 7, 8, and 15 of U.S. Letters Patent 4,884,087; claims 1, 19, and 22 of U.S. Letters Patent 4,954,857 claims I and 9 of U.S. Letters Patent 4,972,649; claim 14 of U.S. Letters Patent 5,063,400; claims 1 and 11 of U.S. Letters Patent 5,235,364; claim 1 of U.S. Letters Patent 5,361,111; claims 1, 15, 23, and 25 of U.S. Letters Patent 5,381,200; claims 1 and 7 of U.S. Letters Patent 5,408,288; claims 1 and 28 of U.S. Letters Patent 5,436,685; claims 1 and 13 of U.S. Letters Patent Re 34,168; the claim of U.S. Letters Patent Des. 345,750; the claim of U.S. Letters Patent Des. 356,101; or the claim of U.S. Letters Patent Des. 372,722

(G) The terms "import" and "importation" refer to importation for entry for consumption under the Customs Laws of the United States.

## II.

### (Applicability)

The provisions of this Cease and Desist Order shall apply to Respondent and any of its principals, stockholders, officers, directors, employees, agents, licenses, distributors, controlled (whether by stock ownership or otherwise) and/or majority owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, *or* otherwise On behalf of Respondent.

### III.

#### (Conduct Prohibited)

The following conduct of the Respondent in the United States is prohibited by the Order. The Respondent shall not:

(A) import or sell for importation into the United States covered product except under license of the patent owner;

(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered product except under license of the patent owner;

© advertise covered product except under license of the patent owner;

(D) solicit U.S. agents or distributors for covered product except under license of the patent owner;

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered product, except under license of the patent owner.

### IV.

#### Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, Complainant licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered product by or for the United States.

## V.

### (Reporting)

For purposes of this reporting requirement, the reporting period shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date issuance of this Order through June 30, 2000. This reporting requirement shall continue in force until such time as the Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered product in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of foreign-made covered product that Respondent has imported and sold in the United States during the reporting period and the quantity and value of covered product that remains in inventory at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of the order and may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## VI.

### (Record Keeping and Inspection)

(A) For purposes of securing compliance with this Order, Respondent shall retain any and all records to the sale, offer for sale, marketing, or distribution in the United States of covered product made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of two(2) years from the close of the fiscal year to which they pertain.



(B) For the purpose of determining or securing compliance with this Order for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary forms are required to be retained by subsection VI(A) of this Order.

## VII

### (Service of Cease and Desist Order)

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the marketing, distribution, or sale of covered product in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(a) of this Order, a copy of the Order upon each successor; and

© Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subsections VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subsections VII(B) and VII© of this order shall remain in effect until the expiration date of the last to expire of the patents specified in Section I herein.

## VIII.

### (Confidentiality)

Any request for confidential treatment of information obtained the Commission pursuant to Sections V and VI of the Order should be in accordance with section 201.6 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## IX.

### (Enforcement)

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## X.

### (Modification)

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

## XI.

### (Bonding)

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the President pursuant to section 337(j) of the Tariff Act of 1930, 19 U.S.C. § 1337(j), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of the articles in question. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered product imported on or after the date of issuance of this Order is subject to the entry bond as set forth in the general exclusion order issued by the Commission simultaneously herewith, and is not subject to this bond provision.

The bond is to be posed in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders (19 C.F.R. § 210.68). The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the President approves, or does not disapprove within the Presidential review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses the Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the President disapproves this Order and no subsequent order issued by the Commission and approved, or not disapproved, by the President,

upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By Order of the Commission.

Donna R. Koehnke  
Secretary

Issued: June 2, 1999

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

_____	)	
In the Matter of	)	
	)	Inv No. 337-TA-406
CERTAIN LENS-FITTED FILM PACKAGES	)	
_____	)	

**ORDER TO CEASE AND DESIST**

**IT IS HEREBY ORDERED THAT** Respondent cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising distributing, offering for sale, transferring (except for exportation), or soliciting U.S. agents or distributors for certain lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I.

(Definitions)

As used in this Order:

(A) "Commission" shall mean the U.S. International Trade Commission.

(B) "Complainant" shall mean Fuji Photo Film Co., Ltd. of Tokyo, Japan, complainant in this investigation, and its successors and assigns.

© "Respondent" shall mean Fast Shot, 7250 Harwill Dr. Suite O, Houston, Texas 77036.

(D) "Person" shall mean an individual, or any non-governmental partnership, firm,

association, corporation, or other legal or business entity other than the Respondent or its majority owned or controlled subsidiaries, their successors, or assigns.

(E) "United States" shall mean the fifty states, the District of Columbia, and Puerto Rico.

(F) "Covered Product" shall mean imported lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, that infringe one or more of the following claims of one or more of the following patents:

claims 1, 5, 6, 9, and 11 of U.S. Letters Patent 4,833,495; claims 14 and 15 of U.S. Letters Patent 4,855,774; claims 1, 7, 8, and 15 of U.S. Letters Patent 4,884,087; claims 1, 19, and 22 of U.S. Letters Patent 4,954,857 claims I and 9 of U.S. Letters Patent 4,972,649; claim 14 of U.S. Letters Patent 5,063,400; claims 1 and 11 of U.S. Letters Patent 5,235,364; claim 1 of U.S. Letters Patent 5,361,111; claims 1, 15, 23, and 25 of U.S. Letters Patent 5,381,200; claims 1 and 7 of U.S. Letters Patent 5,408,288; claims 1 and 28 of U.S. Letters Patent 5,436,685; claims 1 and 13 of U.S. Letters Patent Re 34,168; the claim of U.S. Letters Patent Des. 345,750; the claim of U.S. Letters Patent Des. 356,101; or the claim of U.S. Letters Patent Des. 372,722

(G) The terms "import" and "importation" refer to importation for entry for consumption under the Customs Laws of the United States.

## II.

### (Applicability)

The provisions of this Cease and Desist Order shall apply to Respondent and any of its principals, stockholders, officers, directors, employees, agents, licenses, distributors, controlled (whether by stock ownership or otherwise) and/or majority owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, *or* otherwise On behalf of Respondent.

### III.

#### (Conduct Prohibited)

The following conduct of the Respondent in the United States is prohibited by the Order. The Respondent shall not:

(A) import or sell for importation into the United States covered product except under license of the patent owner;

(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered product except under license of the patent owner;

© advertise covered product except under license of the patent owner;

(D) solicit U.S. agents or distributors for covered product except under license of the patent owner;

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered product, except under license of the patent owner.

### IV.

#### Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, Complainant licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered product by or for the United States.

## V.

### (Reporting)

For purposes of this reporting requirement, the reporting period shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date issuance of this Order through June 30, 2000. This reporting requirement shall continue in force until such time as the Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered product in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of foreign-made covered product that Respondent has imported and sold in the United States during the reporting period and the quantity and value of covered product that remains in inventory at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of the order and may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## VI.

### (Record Keeping and Inspection)

(A) For purposes of securing compliance with this Order, Respondent shall retain any and all records to the sale, offer for sale, marketing, or distribution in the United States of covered product made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of two(2) years from the close of the fiscal year to which they pertain.



(B) For the purpose of determining or securing compliance with this Order for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary forms are required to be retained by subsection VI(A) of this Order.

## VII

### (Service of Cease and Desist Order)

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the marketing, distribution, or sale of covered product in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(a) of this Order, a copy of the Order upon each successor; and

© Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subsections VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subsections VII(B) and VII© of this order shall remain in effect until the expiration date of the last to expire of the patents specified in Section I herein.

## VIII.

### (Confidentiality)

Any request for confidential treatment of information obtained the Commission pursuant to Sections V and VI of the Order should be in accordance with section 201.6 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## IX.

### (Enforcement)

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## X.

### (Modification)

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

## XI.

### (Bonding)

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the President pursuant to section 337(j) of the Tariff Act of 1930, 19 U.S.C. § 1337(j), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of the articles in question. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered product imported on or after the date of issuance of this Order is subject to the entry bond as set forth in the general exclusion order issued by the Commission simultaneously herewith, and is not subject to this bond provision.

The bond is to be posed in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders (19 C.F.R. § 210.68). The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the President approves, or does not disapprove within the Presidential review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses the Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the President disapproves this Order and no subsequent order issued by the Commission and approved, or not disapproved, by the President,

upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By Order of the Commission.

Donna R. Koehnke  
Secretary

Issued: June 2, 1999

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

_____	)	
In the Matter of	)	
	)	Inv No. 337-TA-406
CERTAIN LENS-FITTED FILM PACKAGES	)	
_____	)	

**ORDER TO CEASE AND DESIST**

**IT IS HEREBY ORDERED THAT** Respondent cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising distributing, offering for sale, transferring (except for exportation), or soliciting U.S. agents or distributors for certain lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I.

(Definitions)

As used in this Order:

(A) "Commission" shall mean the U.S. International Trade Commission.

(B) "Complainant" shall mean Fuji Photo Film Co., Ltd. of Tokyo, Japan, complainant in this investigation, and its successors and assigns.

© "Respondent" shall mean Haichi International Inc., 444 Park Avenue South, 7<sup>th</sup> Floor, New York, NY 10016.

98199.

(D) "Person" shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than the Respondent or its majority owned or controlled subsidiaries, their successors, or assigns.

(E) "United States" shall mean the fifty states, the District of Columbia, and Puerto Rico.

(F) "Covered Product" shall mean imported lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, that infringe one or more of the following claims of one or more of the following patents:

claims 1, 5, 6, 9, and 11 of U.S. Letters Patent 4,833,495; claims 14 and 15 of U.S. Letters Patent 4,855,774; claims 1, 7, 8, and 15 of U.S. Letters Patent 4,884,087; claims 1, 19, and 22 of U.S. Letters Patent 4,954,857 claims I and 9 of U.S. Letters Patent 4,972,649; claim 14 of U.S. Letters Patent 5,063,400; claims 1 and 11 of U.S. Letters Patent 5,235,364; claim 1 of U.S. Letters Patent 5,361,111; claims 1, 15, 23, and 25 of U.S. Letters Patent 5,381,200; claims 1 and 7 of U.S. Letters Patent 5,408,288; claims 1 and 28 of U.S. Letters Patent 5,436,685; claims 1 and 13 of U.S. Letters Patent Re 34,168; the claim of U.S. Letters Patent Des. 345,750; the claim of U.S. Letters Patent Des. 356,101; or the claim of U.S. Letters Patent Des. 372,722

(G) The terms "import" and "importation" refer to importation for entry for consumption under the Customs Laws of the United States.

## II.

### (Applicability)

The provisions of this Cease and Desist Order shall apply to Respondent and any of its principals, stockholders, officers, directors, employees, agents, licenses, distributors, controlled (whether by stock ownership or otherwise) and/or majority owned business entities, successors,

and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, *or* otherwise On behalf of Respondent.

### III.

#### (Conduct Prohibited)

The following conduct of the Respondent in the United States is prohibited by the Order. The Respondent shall not:

(A) import or sell for importation into the United States covered product except under license of the patent owner;

(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered product except under license of the patent owner;

© advertise covered product except under license of the patent owner;

(D) solicit U.S. agents or distributors for covered product except under license of the patent owner;

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered product, except under license of the patent owner.

### IV.

#### Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, Complainant licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered product by or for the United States.



## V.

### (Reporting)

For purposes of this reporting requirement, the reporting period shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date issuance of this Order through June 30, 2000. This reporting requirement shall continue in force until such time as the Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered product in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of foreign-made covered product that Respondent has imported and sold in the United States during the reporting period and the quantity and value of covered product that remains in inventory at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of the order and may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## VI.

### (Record Keeping and Inspection)

(A) For purposes of securing compliance with this Order, Respondent shall retain any and all records to the sale, offer for sale, marketing, or distribution in the United States of covered product made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of two(2) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary forms are required to be retained by subsection VI(A) of this Order.

## VII

### (Service of Cease and Desist Order)

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the marketing, distribution, or sale of covered product in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(a) of this Order, a copy of the Order upon each successor; and

© Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subsections VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subsections VII(B) and VII© of this order shall remain in effect until the expiration date of the last to expire of the patents specified in Section I herein.

## VIII.

### (Confidentiality)

Any request for confidential treatment of information obtained the Commission pursuant to Sections V and VI of the Order should be in accordance with section 201.6 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## IX.

### (Enforcement)

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## X.

### (Modification)

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

## XI.

### (Bonding)

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the President pursuant to section 337(j) of the Tariff Act of 1930, 19 U.S.C. § 1337(j), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of the articles in question. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered product imported on or after the date of issuance of this Order is subject to the entry bond as set forth in the general exclusion order issued by the Commission simultaneously herewith, and is not subject to this bond provision.

The bond is to be posed in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders (19 C.F.R. § 210.68). The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the President approves, or does not disapprove within the Presidential review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses the Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the President disapproves this Order and no subsequent order issued by the Commission and approved, or not disapproved, by the President,

upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By Order of the Commission.

Donna R. Koehnke  
Secretary

Issued: June 2, 1999

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

	)	
In the Matter of	)	
	)	Inv No. 337-TA-406
CERTAIN LENS-FITTED FILM PACKAGES	)	
	)	

**ORDER TO CEASE AND DESIST**

**IT IS HEREBY ORDERED THAT** Respondent cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising distributing, offering for sale, transferring (except for exportation), or soliciting U.S. agents or distributors for certain lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I.

(Definitions)

As used in this Order:

(A) "Commission" shall mean the U.S. International Trade Commission.

(B) "Complainant" shall mean Fuji Photo Film Co., Ltd. of Tokyo, Japan, complainant in this investigation, and its successors and assigns.

© "Respondent" shall mean Innovative Trading Co., 380 South Mentor Avenue, Suite 11, Pasadena, CA 91106.

(D) "Person" shall mean an individual, or any non-governmental partnership, firm,

association, corporation, or other legal or business entity other than the Respondent or its majority owned or controlled subsidiaries, their successors, or assigns.

(E) "United States" shall mean the fifty states, the District of Columbia, and Puerto Rico.

(F) "Covered Product" shall mean imported lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, that infringe one or more of the following claims of one or more of the following patents:

claims 1, 5, 6, 9, and 11 of U.S. Letters Patent 4,833,495; claims 14 and 15 of U.S. Letters Patent 4,855,774; claims 1, 7, 8, and 15 of U.S. Letters Patent 4,884,087; claims 1, 19, and 22 of U.S. Letters Patent 4,954,857 claims I and 9 of U.S. Letters Patent 4,972,649; claim 14 of U.S. Letters Patent 5,063,400; claims 1 and 11 of U.S. Letters Patent 5,235,364; claim 1 of U.S. Letters Patent 5,361,111; claims 1, 15, 23, and 25 of U.S. Letters Patent 5,381,200; claims 1 and 7 of U.S. Letters Patent 5,408,288; claims 1 and 28 of U.S. Letters Patent 5,436,685; claims 1 and 13 of U.S. Letters Patent Re 34,168; the claim of U.S. Letters Patent Des. 345,750; the claim of U.S. Letters Patent Des. 356,101; or the claim of U.S. Letters Patent Des. 372,722

(G) The terms "import" and "importation" refer to importation for entry for consumption under the Customs Laws of the United States.

## II.

### (Applicability)

The provisions of this Cease and Desist Order shall apply to Respondent and any of its principals, stockholders, officers, directors, employees, agents, licenses, distributors, controlled (whether by stock ownership or otherwise) and/or majority owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, *or* otherwise On behalf of Respondent.

### III.

#### (Conduct Prohibited)

The following conduct of the Respondent in the United States is prohibited by the Order. The Respondent shall not:

(A) import or sell for importation into the United States covered product except under license of the patent owner;

(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered product except under license of the patent owner;

© advertise covered product except under license of the patent owner;

(D) solicit U.S. agents or distributors for covered product except under license of the patent owner;

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered product, except under license of the patent owner.

### IV.

#### Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, Complainant licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered product by or for the United States.



## V.

### (Reporting)

For purposes of this reporting requirement, the reporting period shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date issuance of this Order through June 30, 2000. This reporting requirement shall continue in force until such time as the Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered product in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of foreign-made covered product that Respondent has imported and sold in the United States during the reporting period and the quantity and value of covered product that remains in inventory at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of the order and may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## VI.

### (Record Keeping and Inspection)

(A) For purposes of securing compliance with this Order, Respondent shall retain any and all records to the sale, offer for sale, marketing, or distribution in the United States of covered product made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of two(2) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary forms are required to be retained by subsection VI(A) of this Order.

## VII

### (Service of Cease and Desist Order)

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the marketing, distribution, or sale of covered product in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(a) of this Order, a copy of the Order upon each successor; and

© Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subsections VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subsections VII(B) and VII© of this order shall remain in effect until the expiration date of the last to expire of the patents specified in Section I herein.

## VIII.

### (Confidentiality)

Any request for confidential treatment of information obtained the Commission pursuant to Sections V and VI of the Order should be in accordance with section 201.6 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## IX.

### (Enforcement)

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## X.

### (Modification)

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

## XI.

### (Bonding)

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the President pursuant to section 337(j) of the Tariff Act of 1930, 19 U.S.C. § 1337(j), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of the articles in question. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered product imported on or after the date of issuance of this Order is subject to the entry bond as set forth in the general exclusion order issued by the Commission simultaneously herewith, and is not subject to this bond provision.

The bond is to be posed in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders (19 C.F.R. § 210.68). The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the President approves, or does not disapprove within the Presidential review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses the Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the President disapproves this Order and no subsequent order issued by the Commission and approved, or not disapproved, by the President,

upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By Order of the Commission.

Donna R. Koehnke  
Secretary

Issued: June 2, 1999

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

_____	)	
In the Matter of	)	
	)	Inv No. 337-TA-406
CERTAIN LENS-FITTED FILM PACKAGES	)	
_____	)	

**ORDER TO CEASE AND DESIST**

**IT IS HEREBY ORDERED THAT** Respondent cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising distributing, offering for sale, transferring (except for exportation), or soliciting U.S. agents or distributors for certain lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I.

(Definitions)

As used in this Order:

(A) "Commission" shall mean the U.S. International Trade Commission.

(B) "Complainant" shall mean Fuji Photo Film Co., Ltd. of Tokyo, Japan, complainant in this investigation, and its successors and assigns.

© "Respondent" shall mean Labelle Time, Inc., 65 N.W. 166<sup>th</sup> Street, North Miami, FL 33169.

(D) "Person" shall mean an individual, or any non-governmental partnership, firm,

association, corporation, or other legal or business entity other than the Respondent or its majority owned or controlled subsidiaries, their successors, or assigns.

(E) "United States" shall mean the fifty states, the District of Columbia, and Puerto Rico.

(F) "Covered Product" shall mean imported lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, that infringe one or more of the following claims of one or more of the following patents:

claims 1, 5, 6, 9, and 11 of U.S. Letters Patent 4,833,495; claims 14 and 15 of U.S. Letters Patent 4,855,774; claims 1, 7, 8, and 15 of U.S. Letters Patent 4,884,087; claims 1, 19, and 22 of U.S. Letters Patent 4,954,857 claims I and 9 of U.S. Letters Patent 4,972,649; claim 14 of U.S. Letters Patent 5,063,400; claims 1 and 11 of U.S. Letters Patent 5,235,364; claim 1 of U.S. Letters Patent 5,361,111; claims 1, 15, 23, and 25 of U.S. Letters Patent 5,381,200; claims 1 and 7 of U.S. Letters Patent 5,408,288; claims 1 and 28 of U.S. Letters Patent 5,436,685; claims 1 and 13 of U.S. Letters Patent Re 34,168; the claim of U.S. Letters Patent Des. 345,750; the claim of U.S. Letters Patent Des. 356,101; or the claim of U.S. Letters Patent Des. 372,722

(G) The terms "import" and "importation" refer to importation for entry for consumption under the Customs Laws of the United States.

## II.

### (Applicability)

The provisions of this Cease and Desist Order shall apply to Respondent and any of its principals, stockholders, officers, directors, employees, agents, licenses, distributors, controlled (whether by stock ownership or otherwise) and/or majority owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, *or* otherwise On behalf of Respondent.

### III.

#### (Conduct Prohibited)

The following conduct of the Respondent in the United States is prohibited by the Order. The Respondent shall not:

(A) import or sell for importation into the United States covered product except under license of the patent owner;

(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered product except under license of the patent owner;

© advertise covered product except under license of the patent owner;

(D) solicit U.S. agents or distributors for covered product except under license of the patent owner;

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered product, except under license of the patent owner.

### IV.

#### Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, Complainant licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered product by or for the United States.



## V.

### (Reporting)

For purposes of this reporting requirement, the reporting period shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date issuance of this Order through June 30, 2000. This reporting requirement shall continue in force until such time as the Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered product in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of foreign-made covered product that Respondent has imported and sold in the United States during the reporting period and the quantity and value of covered product that remains in inventory at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of the order and may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## VI.

### (Record Keeping and Inspection)

(A) For purposes of securing compliance with this Order, Respondent shall retain any and all records to the sale, offer for sale, marketing, or distribution in the United States of covered product made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of two(2) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary forms are required to be retained by subsection VI(A) of this Order.

## VII

### (Service of Cease and Desist Order)

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the marketing, distribution, or sale of covered product in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(a) of this Order, a copy of the Order upon each successor; and

© Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subsections VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subsections VII(B) and VII© of this order shall remain in effect until the expiration date of the last to expire of the patents specified in Section I herein.

## VIII.

### (Confidentiality)

Any request for confidential treatment of information obtained the Commission pursuant to Sections V and VI of the Order should be in accordance with section 201.6 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## IX.

### (Enforcement)

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## X.

### (Modification)

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

## XI.

### (Bonding)

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the President pursuant to section 337(j) of the Tariff Act of 1930, 19 U.S.C. § 1337(j), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of the articles in question. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered product imported on or after the date of issuance of this Order is subject to the entry bond as set forth in the general exclusion order issued by the Commission simultaneously herewith, and is not subject to this bond provision.

The bond is to be posed in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders (19 C.F.R. § 210.68). The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the President approves, or does not disapprove within the Presidential review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses the Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the President disapproves this Order and no subsequent order issued by the Commission and approved, or not disapproved, by the President,

upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By Order of the Commission.

Donna R. Koehnke  
Secretary

Issued: June 2, 1999

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

_____	)	
In the Matter of	)	
	)	Inv No. 337-TA-406
CERTAIN LENS-FITTED FILM PACKAGES	)	
_____	)	

**ORDER TO CEASE AND DESIST**

**IT IS HEREBY ORDERED THAT** Respondent cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising distributing, offering for sale, transferring (except for exportation), or soliciting U.S. agents or distributors for certain lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I.

(Definitions)

As used in this Order:

(A) "Commission" shall mean the U.S. International Trade Commission.

(B) "Complainant" shall mean Fuji Photo Film Co., Ltd. of Tokyo, Japan, complainant in this investigation, and its successors and assigns.

© "Respondent" shall mean Forcecam, Inc. 280 South Beverly Drive, Suite 201, Beverly Hills, CA 90212.

(D) "Person" shall mean an individual, or any non-governmental partnership, firm,

association, corporation, or other legal or business entity other than the Respondent or its majority owned or controlled subsidiaries, their successors, or assigns.

(E) "United States" shall mean the fifty states, the District of Columbia, and Puerto Rico.

(F) "Covered Product" shall mean imported lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, that infringe one or more of the following claims of one or more of the following patents:

claims 1, 5, 6, 9, and 11 of U.S. Letters Patent 4,833,495; claims 14 and 15 of U.S. Letters Patent 4,855,774; claims 1, 7, 8, and 15 of U.S. Letters Patent 4,884,087; claims 1, 19, and 22 of U.S. Letters Patent 4,954,857 claims I and 9 of U.S. Letters Patent 4,972,649; claim 14 of U.S. Letters Patent 5,063,400; claims 1 and 11 of U.S. Letters Patent 5,235,364; claim 1 of U.S. Letters Patent 5,361,111; claims 1, 15, 23, and 25 of U.S. Letters Patent 5,381,200; claims 1 and 7 of U.S. Letters Patent 5,408,288; claims 1 and 28 of U.S. Letters Patent 5,436,685; claims 1 and 13 of U.S. Letters Patent Re 34,168; the claim of U.S. Letters Patent Des. 345,750; the claim of U.S. Letters Patent Des. 356,101; or the claim of U.S. Letters Patent Des. 372,722

(G) The terms "import" and "importation" refer to importation for entry for consumption under the Customs Laws of the United States.

## II.

### (Applicability)

The provisions of this Cease and Desist Order shall apply to Respondent and any of its principals, stockholders, officers, directors, employees, agents, licenses, distributors, controlled (whether by stock ownership or otherwise) and/or majority owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, *or* otherwise On behalf of Respondent.

### III.

#### (Conduct Prohibited)

The following conduct of the Respondent in the United States is prohibited by the Order. The Respondent shall not:

(A) import or sell for importation into the United States covered product except under license of the patent owner;

(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered product except under license of the patent owner;

© advertise covered product except under license of the patent owner;

(D) solicit U.S. agents or distributors for covered product except under license of the patent owner;

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered product, except under license of the patent owner.

### IV.

#### Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, Complainant licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered product by or for the United States.



## V.

### (Reporting)

For purposes of this reporting requirement, the reporting period shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date issuance of this Order through June 30, 2000. This reporting requirement shall continue in force until such time as the Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered product in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of foreign-made covered product that Respondent has imported and sold in the United States during the reporting period and the quantity and value of covered product that remains in inventory at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of the order and may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## VI.

### (Record Keeping and Inspection)

(A) For purposes of securing compliance with this Order, Respondent shall retain any and all records to the sale, offer for sale, marketing, or distribution in the United States of covered product made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of two(2) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary forms are required to be retained by subsection VI(A) of this Order.

## VII

### (Service of Cease and Desist Order)

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the marketing, distribution, or sale of covered product in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(a) of this Order, a copy of the Order upon each successor; and

© Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subsections VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subsections VII(B) and VII© of this order shall remain in effect until the expiration date of the last to expire of the patents specified in Section I herein.

## VIII.

### (Confidentiality)

Any request for confidential treatment of information obtained the Commission pursuant to Sections V and VI of the Order should be in accordance with section 201.6 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## IX.

### (Enforcement)

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## X.

### (Modification)

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

## XI.

### (Bonding)

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the President pursuant to section 337(j) of the Tariff Act of 1930, 19 U.S.C. § 1337(j), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of the articles in question. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered product imported on or after the date of issuance of this Order is subject to the entry bond as set forth in the general exclusion order issued by the Commission simultaneously herewith, and is not subject to this bond provision.

The bond is to be posed in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders (19 C.F.R. § 210.68). The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the President approves, or does not disapprove within the Presidential review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses the Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the President disapproves this Order and no subsequent order issued by the Commission and approved, or not disapproved, by the President,

upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By Order of the Commission.

Donna R. Koehnke  
Secretary

Issued: June 2, 1999

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

	)	
In the Matter of	)	
	)	Inv No. 337-TA-406
CERTAIN LENS-FITTED FILM PACKAGES	)	
	)	

**ORDER TO CEASE AND DESIST**

**IT IS HEREBY ORDERED THAT** Respondent cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising distributing, offering for sale, transferring (except for exportation), or soliciting U.S. agents or distributors for certain lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I.

(Definitions)

As used in this Order:

(A) "Commission" shall mean the U.S. International Trade Commission.

(B) "Complainant" shall mean Fuji Photo Film Co., Ltd. of Tokyo, Japan, complainant in this investigation, and its successors and assigns.

© "Respondent" shall mean Argus Industries, 2121 Oxford Road, Des Plaines, IL 60018.

(D) "Person" shall mean an individual, or any non-governmental partnership, firm,

association, corporation, or other legal or business entity other than the Respondent or its majority owned or controlled subsidiaries, their successors, or assigns.

(E) "United States" shall mean the fifty states, the District of Columbia, and Puerto Rico.

(F) "Covered Product" shall mean imported lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, that infringe one or more of the following claims of one or more of the following patents:

claims 1, 5, 6, 9, and 11 of U.S. Letters Patent 4,833,495; claims 14 and 15 of U.S. Letters Patent 4,855,774; claims 1, 7, 8, and 15 of U.S. Letters Patent 4,884,087; claims 1, 19, and 22 of U.S. Letters Patent 4,954,857 claims I and 9 of U.S. Letters Patent 4,972,649; claim 14 of U.S. Letters Patent 5,063,400; claims 1 and 11 of U.S. Letters Patent 5,235,364; claim 1 of U.S. Letters Patent 5,361,111; claims 1, 15, 23, and 25 of U.S. Letters Patent 5,381,200; claims 1 and 7 of U.S. Letters Patent 5,408,288; claims 1 and 28 of U.S. Letters Patent 5,436,685; claims 1 and 13 of U.S. Letters Patent Re 34,168; the claim of U.S. Letters Patent Des. 345,750; the claim of U.S. Letters Patent Des. 356,101; or the claim of U.S. Letters Patent Des. 372,722

(G) The terms "import" and "importation" refer to importation for entry for consumption under the Customs Laws of the United States.

## II.

### (Applicability)

The provisions of this Cease and Desist Order shall apply to Respondent and any of its principals, stockholders, officers, directors, employees, agents, licenses, distributors, controlled (whether by stock ownership or otherwise) and/or majority owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, *or* otherwise On behalf of Respondent.

### III.

#### (Conduct Prohibited)

The following conduct of the Respondent in the United States is prohibited by the Order. The Respondent shall not:

(A) import or sell for importation into the United States covered product except under license of the patent owner;

(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered product except under license of the patent owner;

© advertise covered product except under license of the patent owner;

(D) solicit U.S. agents or distributors for covered product except under license of the patent owner;

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered product, except under license of the patent owner.

### IV.

#### Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, Complainant licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered product by or for the United States.



## V.

### (Reporting)

For purposes of this reporting requirement, the reporting period shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date issuance of this Order through June 30, 2000. This reporting requirement shall continue in force until such time as the Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered product in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of foreign-made covered product that Respondent has imported and sold in the United States during the reporting period and the quantity and value of covered product that remains in inventory at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of the order and may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## VI.

### (Record Keeping and Inspection)

(A) For purposes of securing compliance with this Order, Respondent shall retain any and all records to the sale, offer for sale, marketing, or distribution in the United States of covered product made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of two(2) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary forms are required to be retained by subsection VI(A) of this Order.

## VII

### (Service of Cease and Desist Order)

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the marketing, distribution, or sale of covered product in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(a) of this Order, a copy of the Order upon each successor; and

© Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subsections VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subsections VII(B) and VII© of this order shall remain in effect until the expiration date of the last to expire of the patents specified in Section I herein.

## VIII.

### (Confidentiality)

Any request for confidential treatment of information obtained the Commission pursuant to Sections V and VI of the Order should be in accordance with section 201.6 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## IX.

### (Enforcement)

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## X.

### (Modification)

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

## XI.

### (Bonding)

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the President pursuant to section 337(j) of the Tariff Act of 1930, 19 U.S.C. § 1337(j), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of the articles in question. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered product imported on or after the date of issuance of this Order is subject to the entry bond as set forth in the general exclusion order issued by the Commission simultaneously herewith, and is not subject to this bond provision.

The bond is to be posed in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders (19 C.F.R. § 210.68). The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the President approves, or does not disapprove within the Presidential review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses the Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the President disapproves this Order and no subsequent order issued by the Commission and approved, or not disapproved, by the President,

upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By Order of the Commission.

Donna R. Koehnke  
Secretary

Issued: June 2, 1999

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

_____	)	
In the Matter of	)	
	)	Inv No. 337-TA-406
CERTAIN LENS-FITTED FILM PACKAGES	)	
_____	)	

**ORDER TO CEASE AND DESIST**

**IT IS HEREBY ORDERED THAT** Respondent cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising distributing, offering for sale, transferring (except for exportation), or soliciting U.S. agents or distributors for certain lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I.

(Definitions)

As used in this Order:

(A) "Commission" shall mean the U.S. International Trade Commission.

(B) "Complainant" shall mean Fuji Photo Film Co., Ltd. of Tokyo, Japan, complainant in this investigation, and its successors and assigns.

© "Respondent" shall mean Dynatec International, Inc. 3820 West Great Lakes Drive, Salt Lake City, UT 84120.

(D) "Person" shall mean an individual, or any non-governmental partnership, firm,

association, corporation, or other legal or business entity other than the Respondent or its majority owned or controlled subsidiaries, their successors, or assigns.

(E) "United States" shall mean the fifty states, the District of Columbia, and Puerto Rico.

(F) "Covered Product" shall mean imported lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, that infringe one or more of the following claims of one or more of the following patents:

claims 1, 5, 6, 9, and 11 of U.S. Letters Patent 4,833,495; claims 14 and 15 of U.S. Letters Patent 4,855,774; claims 1, 7, 8, and 15 of U.S. Letters Patent 4,884,087; claims 1, 19, and 22 of U.S. Letters Patent 4,954,857 claims I and 9 of U.S. Letters Patent 4,972,649; claim 14 of U.S. Letters Patent 5,063,400; claims 1 and 11 of U.S. Letters Patent 5,235,364; claim 1 of U.S. Letters Patent 5,361,111; claims 1, 15, 23, and 25 of U.S. Letters Patent 5,381,200; claims 1 and 7 of U.S. Letters Patent 5,408,288; claims 1 and 28 of U.S. Letters Patent 5,436,685; claims 1 and 13 of U.S. Letters Patent Re 34,168; the claim of U.S. Letters Patent Des. 345,750; the claim of U.S. Letters Patent Des. 356,101; or the claim of U.S. Letters Patent Des. 372,722

(G) The terms "import" and "importation" refer to importation for entry for consumption under the Customs Laws of the United States.

## II.

### (Applicability)

The provisions of this Cease and Desist Order shall apply to Respondent and any of its principals, stockholders, officers, directors, employees, agents, licenses, distributors, controlled (whether by stock ownership or otherwise) and/or majority owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, *or* otherwise On behalf of Respondent.

### III.

#### (Conduct Prohibited)

The following conduct of the Respondent in the United States is prohibited by the Order. The Respondent shall not:

(A) import or sell for importation into the United States covered product except under license of the patent owner;

(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered product except under license of the patent owner;

© advertise covered product except under license of the patent owner;

(D) solicit U.S. agents or distributors for covered product except under license of the patent owner;

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered product, except under license of the patent owner.

### IV.

#### Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, Complainant licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered product by or for the United States.



## V.

### (Reporting)

For purposes of this reporting requirement, the reporting period shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date issuance of this Order through June 30, 2000. This reporting requirement shall continue in force until such time as the Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered product in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of foreign-made covered product that Respondent has imported and sold in the United States during the reporting period and the quantity and value of covered product that remains in inventory at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of the order and may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## VI.

### (Record Keeping and Inspection)

(A) For purposes of securing compliance with this Order, Respondent shall retain any and all records to the sale, offer for sale, marketing, or distribution in the United States of covered product made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of two(2) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary forms are required to be retained by subsection VI(A) of this Order.

## VII

### (Service of Cease and Desist Order)

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the marketing, distribution, or sale of covered product in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(a) of this Order, a copy of the Order upon each successor; and

© Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subsections VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subsections VII(B) and VII© of this order shall remain in effect until the expiration date of the last to expire of the patents specified in Section I herein.

## VIII.

### (Confidentiality)

Any request for confidential treatment of information obtained the Commission pursuant to Sections V and VI of the Order should be in accordance with section 201.6 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## IX.

### (Enforcement)

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## X.

### (Modification)

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

## XI.

### (Bonding)

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the President pursuant to section 337(j) of the Tariff Act of 1930, 19 U.S.C. § 1337(j), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of the articles in question. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered product imported on or after the date of issuance of this Order is subject to the entry bond as set forth in the general exclusion order issued by the Commission simultaneously herewith, and is not subject to this bond provision.

The bond is to be posed in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders (19 C.F.R. § 210.68). The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the President approves, or does not disapprove within the Presidential review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses the Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the President disapproves this Order and no subsequent order issued by the Commission and approved, or not disapproved, by the President,

upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By Order of the Commission.

Donna R. Koehnke  
Secretary

Issued: June 2, 1999

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

_____	)	
In the Matter of	)	
	)	Inv No. 337-TA-406
CERTAIN LENS-FITTED FILM PACKAGES	)	
_____	)	

**ORDER TO CEASE AND DESIST**

**IT IS HEREBY ORDERED THAT** Respondent cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising distributing, offering for sale, transferring (except for exportation), or soliciting U.S. agents or distributors for certain lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I.

(Definitions)

As used in this Order:

(A) "Commission" shall mean the U.S. International Trade Commission.

(B) "Complainant" shall mean Fuji Photo Film Co., Ltd. of Tokyo, Japan, complainant in this investigation, and its successors and assigns.

© "Respondent" shall mean P.S.I. Industries, Inc. 1160-B South Rogers Circle, Boca, Raton, FL 33487.

(D) "Person" shall mean an individual, or any non-governmental partnership, firm,

association, corporation, or other legal or business entity other than the Respondent or its majority owned or controlled subsidiaries, their successors, or assigns.

(E) "United States" shall mean the fifty states, the District of Columbia, and Puerto Rico.

(F) "Covered Product" shall mean imported lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, that infringe one or more of the following claims of one or more of the following patents:

claims 1, 5, 6, 9, and 11 of U.S. Letters Patent 4,833,495; claims 14 and 15 of U.S. Letters Patent 4,855,774; claims 1, 7, 8, and 15 of U.S. Letters Patent 4,884,087; claims 1, 19, and 22 of U.S. Letters Patent 4,954,857 claims I and 9 of U.S. Letters Patent 4,972,649; claim 14 of U.S. Letters Patent 5,063,400; claims 1 and 11 of U.S. Letters Patent 5,235,364; claim 1 of U.S. Letters Patent 5,361,111; claims 1, 15, 23, and 25 of U.S. Letters Patent 5,381,200; claims 1 and 7 of U.S. Letters Patent 5,408,288; claims 1 and 28 of U.S. Letters Patent 5,436,685; claims 1 and 13 of U.S. Letters Patent Re 34,168; the claim of U.S. Letters Patent Des. 345,750; the claim of U.S. Letters Patent Des. 356,101; or the claim of U.S. Letters Patent Des. 372,722

(G) The terms "import" and "importation" refer to importation for entry for consumption under the Customs Laws of the United States.

## II.

### (Applicability)

The provisions of this Cease and Desist Order shall apply to Respondent and any of its principals, stockholders, officers, directors, employees, agents, licenses, distributors, controlled (whether by stock ownership or otherwise) and/or majority owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, *or* otherwise On behalf of Respondent.

### III.

#### (Conduct Prohibited)

The following conduct of the Respondent in the United States is prohibited by the Order. The Respondent shall not:

(A) import or sell for importation into the United States covered product except under license of the patent owner;

(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered product except under license of the patent owner;

© advertise covered product except under license of the patent owner;

(D) solicit U.S. agents or distributors for covered product except under license of the patent owner;

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered product, except under license of the patent owner.

### IV.

#### Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, Complainant licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered product by or for the United States.



## V.

### (Reporting)

For purposes of this reporting requirement, the reporting period shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date issuance of this Order through June 30, 2000. This reporting requirement shall continue in force until such time as the Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered product in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of foreign-made covered product that Respondent has imported and sold in the United States during the reporting period and the quantity and value of covered product that remains in inventory at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of the order and may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## VI.

### (Record Keeping and Inspection)

(A) For purposes of securing compliance with this Order, Respondent shall retain any and all records to the sale, offer for sale, marketing, or distribution in the United States of covered product made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of two(2) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary forms are required to be retained by subsection VI(A) of this Order.

## VII

### (Service of Cease and Desist Order)

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the marketing, distribution, or sale of covered product in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(a) of this Order, a copy of the Order upon each successor; and

© Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subsections VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subsections VII(B) and VII© of this order shall remain in effect until the expiration date of the last to expire of the patents specified in Section I herein.

## VIII.

### (Confidentiality)

Any request for confidential treatment of information obtained the Commission pursuant to Sections V and VI of the Order should be in accordance with section 201.6 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## IX.

### (Enforcement)

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## X.

### (Modification)

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

## XI.

### (Bonding)

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the President pursuant to section 337(j) of the Tariff Act of 1930, 19 U.S.C. § 1337(j), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of the articles in question. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered product imported on or after the date of issuance of this Order is subject to the entry bond as set forth in the general exclusion order issued by the Commission simultaneously herewith, and is not subject to this bond provision.

The bond is to be posed in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders (19 C.F.R. § 210.68). The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the President approves, or does not disapprove within the Presidential review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses the Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the President disapproves this Order and no subsequent order issued by the Commission and approved, or not disapproved, by the President,

upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By Order of the Commission.

Donna R. Koehnke  
Secretary

Issued: June 2, 1999

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

_____	)	
In the Matter of	)	
	)	Inv No. 337-TA-406
CERTAIN LENS-FITTED FILM PACKAGES	)	
_____	)	

**ORDER TO CEASE AND DESIST**

**IT IS HEREBY ORDERED THAT** Respondent cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising distributing, offering for sale, transferring (except for exportation), or soliciting U.S. agents or distributors for certain lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I.

(Definitions)

As used in this Order:

(A) "Commission" shall mean the U.S. International Trade Commission.

(B) "Complainant" shall mean Fuji Photo Film Co., Ltd. of Tokyo, Japan, complainant in this investigation, and its successors and assigns.

© "Respondent" shall mean Sakar International, Inc., 195 Carter Dr., Edison, NJ 08817-2068.

(D) "Person" shall mean an individual, or any non-governmental partnership, firm,

association, corporation, or other legal or business entity other than the Respondent or its majority owned or controlled subsidiaries, their successors, or assigns.

(E) "United States" shall mean the fifty states, the District of Columbia, and Puerto Rico.

(F) "Covered Product" shall mean imported lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, that infringe one or more of the following claims of one or more of the following patents:

claims 1, 5, 6, 9, and 11 of U.S. Letters Patent 4,833,495; claims 14 and 15 of U.S. Letters Patent 4,855,774; claims 1, 7, 8, and 15 of U.S. Letters Patent 4,884,087; claims 1, 19, and 22 of U.S. Letters Patent 4,954,857 claims I and 9 of U.S. Letters Patent 4,972,649; claim 14 of U.S. Letters Patent 5,063,400; claims 1 and 11 of U.S. Letters Patent 5,235,364; claim 1 of U.S. Letters Patent 5,361,111; claims 1, 15, 23, and 25 of U.S. Letters Patent 5,381,200; claims 1 and 7 of U.S. Letters Patent 5,408,288; claims 1 and 28 of U.S. Letters Patent 5,436,685; claims 1 and 13 of U.S. Letters Patent Re 34,168; the claim of U.S. Letters Patent Des. 345,750; the claim of U.S. Letters Patent Des. 356,101; or the claim of U.S. Letters Patent Des. 372,722

(G) The terms "import" and "importation" refer to importation for entry for consumption under the Customs Laws of the United States.

## II.

### (Applicability)

The provisions of this Cease and Desist Order shall apply to Respondent and any of its principals, stockholders, officers, directors, employees, agents, licenses, distributors, controlled (whether by stock ownership or otherwise) and/or majority owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, *or* otherwise On behalf of Respondent.

### III.

#### (Conduct Prohibited)

The following conduct of the Respondent in the United States is prohibited by the Order. The Respondent shall not:

(A) import or sell for importation into the United States covered product except under license of the patent owner;

(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered product except under license of the patent owner;

© advertise covered product except under license of the patent owner;

(D) solicit U.S. agents or distributors for covered product except under license of the patent owner;

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered product, except under license of the patent owner.

### IV.

#### Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, Complainant licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered product by or for the United States.



## V.

### (Reporting)

For purposes of this reporting requirement, the reporting period shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date issuance of this Order through June 30, 2000. This reporting requirement shall continue in force until such time as the Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered product in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of foreign-made covered product that Respondent has imported and sold in the United States during the reporting period and the quantity and value of covered product that remains in inventory at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of the order and may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## VI.

### (Record Keeping and Inspection)

(A) For purposes of securing compliance with this Order, Respondent shall retain any and all records to the sale, offer for sale, marketing, or distribution in the United States of covered product made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of two(2) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary forms are required to be retained by subsection VI(A) of this Order.

## VII

### (Service of Cease and Desist Order)

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the marketing, distribution, or sale of covered product in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(a) of this Order, a copy of the Order upon each successor; and

© Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subsections VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subsections VII(B) and VII© of this order shall remain in effect until the expiration date of the last to expire of the patents specified in Section I herein.

## VIII.

### (Confidentiality)

Any request for confidential treatment of information obtained the Commission pursuant to Sections V and VI of the Order should be in accordance with section 201.6 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## IX.

### (Enforcement)

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## X.

### (Modification)

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

## XI.

### (Bonding)

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the President pursuant to section 337(j) of the Tariff Act of 1930, 19 U.S.C. § 1337(j), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of the articles in question. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered product imported on or after the date of issuance of this Order is subject to the entry bond as set forth in the general exclusion order issued by the Commission simultaneously herewith, and is not subject to this bond provision.

The bond is to be posed in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders (19 C.F.R. § 210.68). The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the President approves, or does not disapprove within the Presidential review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses the Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the President disapproves this Order and no subsequent order issued by the Commission and approved, or not disapproved, by the President,

upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By Order of the Commission.

Donna R. Koehnke  
Secretary

Issued: June 2, 1999

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

_____	)	
In the Matter of	)	
	)	Inv No. 337-TA-406
CERTAIN LENS-FITTED FILM PACKAGES	)	
_____	)	

**ORDER TO CEASE AND DESIST**

**IT IS HEREBY ORDERED THAT** Respondent cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising distributing, offering for sale, transferring (except for exportation), or soliciting U.S. agents or distributors for certain lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I.

(Definitions)

As used in this Order:

(A) "Commission" shall mean the U.S. International Trade Commission.

(B) "Complainant" shall mean Fuji Photo Film Co., Ltd. of Tokyo, Japan, complainant in this investigation, and its successors and assigns.

© "Respondent" shall mean Ad-Tek Specialities Inc., 2641 Townsgate Road #300, Westlake Village, CA 91361.

(D) "Person" shall mean an individual, or any non-governmental partnership, firm,

association, corporation, or other legal or business entity other than the Respondent or its majority owned or controlled subsidiaries, their successors, or assigns.

(E) "United States" shall mean the fifty states, the District of Columbia, and Puerto Rico.

(F) "Covered Product" shall mean imported lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, that infringe one or more of the following claims of one or more of the following patents:

claims 1, 5, 6, 9, and 11 of U.S. Letters Patent 4,833,495; claims 14 and 15 of U.S. Letters Patent 4,855,774; claims 1, 7, 8, and 15 of U.S. Letters Patent 4,884,087; claims 1, 19, and 22 of U.S. Letters Patent 4,954,857 claims I and 9 of U.S. Letters Patent 4,972,649; claim 14 of U.S. Letters Patent 5,063,400; claims 1 and 11 of U.S. Letters Patent 5,235,364; claim 1 of U.S. Letters Patent 5,361,111; claims 1, 15, 23, and 25 of U.S. Letters Patent 5,381,200; claims 1 and 7 of U.S. Letters Patent 5,408,288; claims 1 and 28 of U.S. Letters Patent 5,436,685; claims 1 and 13 of U.S. Letters Patent Re 34,168; the claim of U.S. Letters Patent Des. 345,750; the claim of U.S. Letters Patent Des. 356,101; or the claim of U.S. Letters Patent Des. 372,722

(G) The terms "import" and "importation" refer to importation for entry for consumption under the Customs Laws of the United States.

## II.

### (Applicability)

The provisions of this Cease and Desist Order shall apply to Respondent and any of its principals, stockholders, officers, directors, employees, agents, licenses, distributors, controlled (whether by stock ownership or otherwise) and/or majority owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, *or* otherwise On behalf of Respondent.

### III.

#### (Conduct Prohibited)

The following conduct of the Respondent in the United States is prohibited by the Order. The Respondent shall not:

(A) import or sell for importation into the United States covered product except under license of the patent owner;

(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered product except under license of the patent owner;

© advertise covered product except under license of the patent owner;

(D) solicit U.S. agents or distributors for covered product except under license of the patent owner;

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered product, except under license of the patent owner.

### IV.

#### Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, Complainant licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered product by or for the United States.



## V.

### (Reporting)

For purposes of this reporting requirement, the reporting period shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date issuance of this Order through June 30, 2000. This reporting requirement shall continue in force until such time as the Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered product in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of foreign-made covered product that Respondent has imported and sold in the United States during the reporting period and the quantity and value of covered product that remains in inventory at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of the order and may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## VI.

### (Record Keeping and Inspection)

(A) For purposes of securing compliance with this Order, Respondent shall retain any and all records to the sale, offer for sale, marketing, or distribution in the United States of covered product made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of two(2) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary forms are required to be retained by subsection VI(A) of this Order.

## VII

### (Service of Cease and Desist Order)

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the marketing, distribution, or sale of covered product in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(a) of this Order, a copy of the Order upon each successor; and

© Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subsections VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subsections VII(B) and VII© of this order shall remain in effect until the expiration date of the last to expire of the patents specified in Section I herein.

## VIII.

### (Confidentiality)

Any request for confidential treatment of information obtained the Commission pursuant to Sections V and VI of the Order should be in accordance with section 201.6 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## IX.

### (Enforcement)

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## X.

### (Modification)

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

## XI.

### (Bonding)

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the President pursuant to section 337(j) of the Tariff Act of 1930, 19 U.S.C. § 1337(j), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of the articles in question. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered product imported on or after the date of issuance of this Order is subject to the entry bond as set forth in the general exclusion order issued by the Commission simultaneously herewith, and is not subject to this bond provision.

The bond is to be posed in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders (19 C.F.R. § 210.68). The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the President approves, or does not disapprove within the Presidential review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses the Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the President disapproves this Order and no subsequent order issued by the Commission and approved, or not disapproved, by the President,

upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By Order of the Commission.

Donna R. Koehnke  
Secretary

Issued: June 2, 1999

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

_____	)	
In the Matter of	)	
	)	Inv No. 337-TA-406
CERTAIN LENS-FITTED FILM PACKAGES	)	
_____	)	

**ORDER TO CEASE AND DESIST**

**IT IS HEREBY ORDERED THAT** Respondent cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising distributing, offering for sale, transferring (except for exportation), or soliciting U.S. agents or distributors for certain lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I.

(Definitions)

As used in this Order:

(A) "Commission" shall mean the U.S. International Trade Commission.

(B) "Complainant" shall mean Fuji Photo Film Co., Ltd. of Tokyo, Japan, complainant in this investigation, and its successors and assigns.

© "Respondent" shall mean AmerImage, Inc. d/b/a Rainbow Products, 4680 SW 64<sup>th</sup> Avenue, Davie, FL 33314-4427.

(D) "Person" shall mean an individual, or any non-governmental partnership, firm,

association, corporation, or other legal or business entity other than the Respondent or its majority owned or controlled subsidiaries, their successors, or assigns.

(E) "United States" shall mean the fifty states, the District of Columbia, and Puerto Rico.

(F) "Covered Product" shall mean imported lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, that infringe one or more of the following claims of one or more of the following patents:

claims 1, 5, 6, 9, and 11 of U.S. Letters Patent 4,833,495; claims 14 and 15 of U.S. Letters Patent 4,855,774; claims 1, 7, 8, and 15 of U.S. Letters Patent 4,884,087; claims 1, 19, and 22 of U.S. Letters Patent 4,954,857 claims I and 9 of U.S. Letters Patent 4,972,649; claim 14 of U.S. Letters Patent 5,063,400; claims 1 and 11 of U.S. Letters Patent 5,235,364; claim 1 of U.S. Letters Patent 5,361,111; claims 1, 15, 23, and 25 of U.S. Letters Patent 5,381,200; claims 1 and 7 of U.S. Letters Patent 5,408,288; claims 1 and 28 of U.S. Letters Patent 5,436,685; claims 1 and 13 of U.S. Letters Patent Re 34,168; the claim of U.S. Letters Patent Des. 345,750; the claim of U.S. Letters Patent Des. 356,101; or the claim of U.S. Letters Patent Des. 372,722

(G) The terms "import" and "importation" refer to importation for entry for consumption under the Customs Laws of the United States.

## II.

### (Applicability)

The provisions of this Cease and Desist Order shall apply to Respondent and any of its principals, stockholders, officers, directors, employees, agents, licenses, distributors, controlled (whether by stock ownership or otherwise) and/or majority owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, *or* otherwise On behalf of Respondent.

### III.

#### (Conduct Prohibited)

The following conduct of the Respondent in the United States is prohibited by the Order. The Respondent shall not:

(A) import or sell for importation into the United States covered product except under license of the patent owner;

(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered product except under license of the patent owner;

© advertise covered product except under license of the patent owner;

(D) solicit U.S. agents or distributors for covered product except under license of the patent owner;

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered product, except under license of the patent owner.

### IV.

#### Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, Complainant licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered product by or for the United States.



## V.

### (Reporting)

For purposes of this reporting requirement, the reporting period shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date issuance of this Order through June 30, 2000. This reporting requirement shall continue in force until such time as the Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered product in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of foreign-made covered product that Respondent has imported and sold in the United States during the reporting period and the quantity and value of covered product that remains in inventory at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of the order and may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## VI.

### (Record Keeping and Inspection)

(A) For purposes of securing compliance with this Order, Respondent shall retain any and all records to the sale, offer for sale, marketing, or distribution in the United States of covered product made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of two(2) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary forms are required to be retained by subsection VI(A) of this Order.

## VII

### (Service of Cease and Desist Order)

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the marketing, distribution, or sale of covered product in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(a) of this Order, a copy of the Order upon each successor; and

© Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subsections VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subsections VII(B) and VII© of this order shall remain in effect until the expiration date of the last to expire of the patents specified in Section I herein.

## VIII.

### (Confidentiality)

Any request for confidential treatment of information obtained the Commission pursuant to Sections V and VI of the Order should be in accordance with section 201.6 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## IX.

### (Enforcement)

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## X.

### (Modification)

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

## XI.

### (Bonding)

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the President pursuant to section 337(j) of the Tariff Act of 1930, 19 U.S.C. § 1337(j), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of the articles in question. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered product imported on or after the date of issuance of this Order is subject to the entry bond as set forth in the general exclusion order issued by the Commission simultaneously herewith, and is not subject to this bond provision.

The bond is to be posed in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders (19 C.F.R. § 210.68). The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the President approves, or does not disapprove within the Presidential review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses the Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the President disapproves this Order and no subsequent order issued by the Commission and approved, or not disapproved, by the President,

upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By Order of the Commission.

Donna R. Koehnke  
Secretary

Issued: June 2, 1999

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

_____	)	
In the Matter of	)	
	)	Inv No. 337-TA-406
CERTAIN LENS-FITTED FILM PACKAGES	)	
_____	)	

**ORDER TO CEASE AND DESIST**

**IT IS HEREBY ORDERED THAT** Respondent cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising distributing, offering for sale, transferring (except for exportation), or soliciting U.S. agents or distributors for certain lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I.

(Definitions)

As used in this Order:

(A) "Commission" shall mean the U.S. International Trade Commission.

(B) "Complainant" shall mean Fuji Photo Film Co., Ltd. of Tokyo, Japan, complainant in this investigation, and its successors and assigns.

© "Respondent" shall mean Boecks Camera LLC, 912 N. La Cienega Boulevard, Los Angeles, CA 90069.

(D) "Person" shall mean an individual, or any non-governmental partnership, firm,

association, corporation, or other legal or business entity other than the Respondent or its majority owned or controlled subsidiaries, their successors, or assigns.

(E) "United States" shall mean the fifty states, the District of Columbia, and Puerto Rico.

(F) "Covered Product" shall mean imported lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, that infringe one or more of the following claims of one or more of the following patents:

claims 1, 5, 6, 9, and 11 of U.S. Letters Patent 4,833,495; claims 14 and 15 of U.S. Letters Patent 4,855,774; claims 1, 7, 8, and 15 of U.S. Letters Patent 4,884,087; claims 1, 19, and 22 of U.S. Letters Patent 4,954,857 claims I and 9 of U.S. Letters Patent 4,972,649; claim 14 of U.S. Letters Patent 5,063,400; claims 1 and 11 of U.S. Letters Patent 5,235,364; claim 1 of U.S. Letters Patent 5,361,111; claims 1, 15, 23, and 25 of U.S. Letters Patent 5,381,200; claims 1 and 7 of U.S. Letters Patent 5,408,288; claims 1 and 28 of U.S. Letters Patent 5,436,685; claims 1 and 13 of U.S. Letters Patent Re 34,168; the claim of U.S. Letters Patent Des. 345,750; the claim of U.S. Letters Patent Des. 356,101; or the claim of U.S. Letters Patent Des. 372,722

(G) The terms "import" and "importation" refer to importation for entry for consumption under the Customs Laws of the United States.

## II.

### (Applicability)

The provisions of this Cease and Desist Order shall apply to Respondent and any of its principals, stockholders, officers, directors, employees, agents, licenses, distributors, controlled (whether by stock ownership or otherwise) and/or majority owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, *or* otherwise On behalf of Respondent.

### III.

#### (Conduct Prohibited)

The following conduct of the Respondent in the United States is prohibited by the Order. The Respondent shall not:

(A) import or sell for importation into the United States covered product except under license of the patent owner;

(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered product except under license of the patent owner;

© advertise covered product except under license of the patent owner;

(D) solicit U.S. agents or distributors for covered product except under license of the patent owner;

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered product, except under license of the patent owner.

### IV.

#### Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, Complainant licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered product by or for the United States.



## V.

### (Reporting)

For purposes of this reporting requirement, the reporting period shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date issuance of this Order through June 30, 2000. This reporting requirement shall continue in force until such time as the Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered product in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of foreign-made covered product that Respondent has imported and sold in the United States during the reporting period and the quantity and value of covered product that remains in inventory at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of the order and may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## VI.

### (Record Keeping and Inspection)

(A) For purposes of securing compliance with this Order, Respondent shall retain any and all records to the sale, offer for sale, marketing, or distribution in the United States of covered product made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of two(2) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary forms are required to be retained by subsection VI(A) of this Order.

## VII

### (Service of Cease and Desist Order)

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the marketing, distribution, or sale of covered product in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(a) of this Order, a copy of the Order upon each successor; and

© Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subsections VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subsections VII(B) and VII© of this order shall remain in effect until the expiration date of the last to expire of the patents specified in Section I herein.

## VIII.

### (Confidentiality)

Any request for confidential treatment of information obtained the Commission pursuant to Sections V and VI of the Order should be in accordance with section 201.6 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## IX.

### (Enforcement)

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## X.

### (Modification)

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

## XI.

### (Bonding)

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the President pursuant to section 337(j) of the Tariff Act of 1930, 19 U.S.C. § 1337(j), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of the articles in question. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered product imported on or after the date of issuance of this Order is subject to the entry bond as set forth in the general exclusion order issued by the Commission simultaneously herewith, and is not subject to this bond provision.

The bond is to be posed in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders (19 C.F.R. § 210.68). The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the President approves, or does not disapprove within the Presidential review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses the Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the President disapproves this Order and no subsequent order issued by the Commission and approved, or not disapproved, by the President,

upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By Order of the Commission.

Donna R. Koehnke  
Secretary

Issued: June 2, 1999

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

_____	)	
In the Matter of	)	
	)	Inv No. 337-TA-406
CERTAIN LENS-FITTED FILM PACKAGES	)	
_____	)	

**ORDER TO CEASE AND DESIST**

**IT IS HEREBY ORDERED THAT** Respondent cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising distributing, offering for sale, transferring (except for exportation), or soliciting U.S. agents or distributors for certain lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I.

(Definitions)

As used in this Order:

(A) "Commission" shall mean the U.S. International Trade Commission.

(B) "Complainant" shall mean Fuji Photo Film Co., Ltd. of Tokyo, Japan, complainant in this investigation, and its successors and assigns.

© "Respondent" shall mean BPS Marketing, 18642-142nd Avenue, Woodinville, WA 98017.

(D) "Person" shall mean an individual, or any non-governmental partnership, firm,

association, corporation, or other legal or business entity other than the Respondent or its majority owned or controlled subsidiaries, their successors, or assigns.

(E) "United States" shall mean the fifty states, the District of Columbia, and Puerto Rico.

(F) "Covered Product" shall mean imported lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, that infringe one or more of the following claims of one or more of the following patents:

claims 1, 5, 6, 9, and 11 of U.S. Letters Patent 4,833,495; claims 14 and 15 of U.S. Letters Patent 4,855,774; claims 1, 7, 8, and 15 of U.S. Letters Patent 4,884,087; claims 1, 19, and 22 of U.S. Letters Patent 4,954,857 claims I and 9 of U.S. Letters Patent 4,972,649; claim 14 of U.S. Letters Patent 5,063,400; claims 1 and 11 of U.S. Letters Patent 5,235,364; claim 1 of U.S. Letters Patent 5,361,111; claims 1, 15, 23, and 25 of U.S. Letters Patent 5,381,200; claims 1 and 7 of U.S. Letters Patent 5,408,288; claims 1 and 28 of U.S. Letters Patent 5,436,685; claims 1 and 13 of U.S. Letters Patent Re 34,168; the claim of U.S. Letters Patent Des. 345,750; the claim of U.S. Letters Patent Des. 356,101; or the claim of U.S. Letters Patent Des. 372,722

(G) The terms "import" and "importation" refer to importation for entry for consumption under the Customs Laws of the United States.

## II.

### (Applicability)

The provisions of this Cease and Desist Order shall apply to Respondent and any of its principals, stockholders, officers, directors, employees, agents, licenses, distributors, controlled (whether by stock ownership or otherwise) and/or majority owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, *or* otherwise On behalf of Respondent.

### III.

#### (Conduct Prohibited)

The following conduct of the Respondent in the United States is prohibited by the Order. The Respondent shall not:

(A) import or sell for importation into the United States covered product except under license of the patent owner;

(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered product except under license of the patent owner;

© advertise covered product except under license of the patent owner;

(D) solicit U.S. agents or distributors for covered product except under license of the patent owner;

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered product, except under license of the patent owner.

### IV.

#### Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, Complainant licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered product by or for the United States.



## V.

### (Reporting)

For purposes of this reporting requirement, the reporting period shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date issuance of this Order through June 30, 2000. This reporting requirement shall continue in force until such time as the Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered product in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of foreign-made covered product that Respondent has imported and sold in the United States during the reporting period and the quantity and value of covered product that remains in inventory at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of the order and may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## VI.

### (Record Keeping and Inspection)

(A) For purposes of securing compliance with this Order, Respondent shall retain any and all records to the sale, offer for sale, marketing, or distribution in the United States of covered product made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of two(2) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary forms are required to be retained by subsection VI(A) of this Order.

## VII

### (Service of Cease and Desist Order)

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the marketing, distribution, or sale of covered product in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(a) of this Order, a copy of the Order upon each successor; and

© Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subsections VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subsections VII(B) and VII© of this order shall remain in effect until the expiration date of the last to expire of the patents specified in Section I herein.

## VIII.

### (Confidentiality)

Any request for confidential treatment of information obtained the Commission pursuant to Sections V and VI of the Order should be in accordance with section 201.6 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## IX.

### (Enforcement)

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## X.

### (Modification)

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

## XI.

### (Bonding)

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the President pursuant to section 337(j) of the Tariff Act of 1930, 19 U.S.C. § 1337(j), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of the articles in question. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered product imported on or after the date of issuance of this Order is subject to the entry bond as set forth in the general exclusion order issued by the Commission simultaneously herewith, and is not subject to this bond provision.

The bond is to be posed in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders (19 C.F.R. § 210.68). The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the President approves, or does not disapprove within the Presidential review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses the Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the President disapproves this Order and no subsequent order issued by the Commission and approved, or not disapproved, by the President,

upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By Order of the Commission.

Donna R. Koehnke  
Secretary

Issued: June 2, 1999

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

_____	)	
In the Matter of	)	
	)	Inv No. 337-TA-406
CERTAIN LENS-FITTED FILM PACKAGES	)	
_____	)	

**ORDER TO CEASE AND DESIST**

**IT IS HEREBY ORDERED THAT** Respondent cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising distributing, offering for sale, transferring (except for exportation), or soliciting U.S. agents or distributors for certain lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I.

(Definitions)

As used in this Order:

(A) "Commission" shall mean the U.S. International Trade Commission.

(B) "Complainant" shall mean Fuji Photo Film Co., Ltd. of Tokyo, Japan, complainant in this investigation, and its successors and assigns.

© "Respondent" shall mean E.T. Trading, Ltd. d/b/a Klikit, 825 McDonald Avenue, Brooklyn, NY 11218.

(D) "Person" shall mean an individual, or any non-governmental partnership, firm,

association, corporation, or other legal or business entity other than the Respondent or its majority owned or controlled subsidiaries, their successors, or assigns.

(E) "United States" shall mean the fifty states, the District of Columbia, and Puerto Rico.

(F) "Covered Product" shall mean imported lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, that infringe one or more of the following claims of one or more of the following patents:

claims 1, 5, 6, 9, and 11 of U.S. Letters Patent 4,833,495; claims 14 and 15 of U.S. Letters Patent 4,855,774; claims 1, 7, 8, and 15 of U.S. Letters Patent 4,884,087; claims 1, 19, and 22 of U.S. Letters Patent 4,954,857 claims I and 9 of U.S. Letters Patent 4,972,649; claim 14 of U.S. Letters Patent 5,063,400; claims 1 and 11 of U.S. Letters Patent 5,235,364; claim 1 of U.S. Letters Patent 5,361,111; claims 1, 15, 23, and 25 of U.S. Letters Patent 5,381,200; claims 1 and 7 of U.S. Letters Patent 5,408,288; claims 1 and 28 of U.S. Letters Patent 5,436,685; claims 1 and 13 of U.S. Letters Patent Re 34,168; the claim of U.S. Letters Patent Des. 345,750; the claim of U.S. Letters Patent Des. 356,101; or the claim of U.S. Letters Patent Des. 372,722

(G) The terms "import" and "importation" refer to importation for entry for consumption under the Customs Laws of the United States.

## II.

### (Applicability)

The provisions of this Cease and Desist Order shall apply to Respondent and any of its principals, stockholders, officers, directors, employees, agents, licenses, distributors, controlled (whether by stock ownership or otherwise) and/or majority owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, *or* otherwise On behalf of Respondent.

### III.

#### (Conduct Prohibited)

The following conduct of the Respondent in the United States is prohibited by the Order. The Respondent shall not:

(A) import or sell for importation into the United States covered product except under license of the patent owner;

(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered product except under license of the patent owner;

© advertise covered product except under license of the patent owner;

(D) solicit U.S. agents or distributors for covered product except under license of the patent owner;

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered product, except under license of the patent owner.

### IV.

#### Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, Complainant licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered product by or for the United States.



## V.

### (Reporting)

For purposes of this reporting requirement, the reporting period shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date issuance of this Order through June 30, 2000. This reporting requirement shall continue in force until such time as the Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered product in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of foreign-made covered product that Respondent has imported and sold in the United States during the reporting period and the quantity and value of covered product that remains in inventory at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of the order and may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## VI.

### (Record Keeping and Inspection)

(A) For purposes of securing compliance with this Order, Respondent shall retain any and all records to the sale, offer for sale, marketing, or distribution in the United States of covered product made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of two(2) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary forms are required to be retained by subsection VI(A) of this Order.

## VII

### (Service of Cease and Desist Order)

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the marketing, distribution, or sale of covered product in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(a) of this Order, a copy of the Order upon each successor; and

© Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subsections VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subsections VII(B) and VII© of this order shall remain in effect until the expiration date of the last to expire of the patents specified in Section I herein.

## VIII.

### (Confidentiality)

Any request for confidential treatment of information obtained the Commission pursuant to Sections V and VI of the Order should be in accordance with section 201.6 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## IX.

### (Enforcement)

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## X.

### (Modification)

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

## XI.

### (Bonding)

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the President pursuant to section 337(j) of the Tariff Act of 1930, 19 U.S.C. § 1337(j), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of the articles in question. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered product imported on or after the date of issuance of this Order is subject to the entry bond as set forth in the general exclusion order issued by the Commission simultaneously herewith, and is not subject to this bond provision.

The bond is to be posed in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders (19 C.F.R. § 210.68). The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the President approves, or does not disapprove within the Presidential review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses the Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the President disapproves this Order and no subsequent order issued by the Commission and approved, or not disapproved, by the President,

upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By Order of the Commission.

Donna R. Koehnke  
Secretary

Issued: June 2, 1999

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

_____	)	
In the Matter of	)	
	)	Inv No. 337-TA-406
CERTAIN LENS-FITTED FILM PACKAGES	)	
_____	)	

**ORDER TO CEASE AND DESIST**

**IT IS HEREBY ORDERED THAT** Respondent cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising distributing, offering for sale, transferring (except for exportation), or soliciting U.S. agents or distributors for certain lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I.

(Definitions)

As used in this Order:

(A) "Commission" shall mean the U.S. International Trade Commission.

(B) "Complainant" shall mean Fuji Photo Film Co., Ltd. of Tokyo, Japan, complainant in this investigation, and its successors and assigns.

© "Respondent" shall mean PhilmEx Photographic Film, 912 N. La Cienega, Boulevard, Los Angeles, CA 90069.(D) "Person" shall mean an individual, or any non-governmental partnership, firm,

association, corporation, or other legal or business entity other than the Respondent or its majority owned or controlled subsidiaries, their successors, or assigns.

(E) "United States" shall mean the fifty states, the District of Columbia, and Puerto Rico.

(F) "Covered Product" shall mean imported lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, that infringe one or more of the following claims of one or more of the following patents:

claims 1, 5, 6, 9, and 11 of U.S. Letters Patent 4,833,495; claims 14 and 15 of U.S. Letters Patent 4,855,774; claims 1, 7, 8, and 15 of U.S. Letters Patent 4,884,087; claims 1, 19, and 22 of U.S. Letters Patent 4,954,857 claims I and 9 of U.S. Letters Patent 4,972,649; claim 14 of U.S. Letters Patent 5,063,400; claims 1 and 11 of U.S. Letters Patent 5,235,364; claim 1 of U.S. Letters Patent 5,361,111; claims 1, 15, 23, and 25 of U.S. Letters Patent 5,381,200; claims 1 and 7 of U.S. Letters Patent 5,408,288; claims 1 and 28 of U.S. Letters Patent 5,436,685; claims 1 and 13 of U.S. Letters Patent Re 34,168; the claim of U.S. Letters Patent Des. 345,750; the claim of U.S. Letters Patent Des. 356,101; or the claim of U.S. Letters Patent Des. 372,722

(G) The terms "import" and "importation" refer to importation for entry for consumption under the Customs Laws of the United States.

## II.

### (Applicability)

The provisions of this Cease and Desist Order shall apply to Respondent and any of its principals, stockholders, officers, directors, employees, agents, licenses, distributors, controlled (whether by stock ownership or otherwise) and/or majority owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, *or* otherwise On behalf of Respondent.

### III.

#### (Conduct Prohibited)

The following conduct of the Respondent in the United States is prohibited by the Order. The Respondent shall not:

(A) import or sell for importation into the United States covered product except under license of the patent owner;

(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered product except under license of the patent owner;

© advertise covered product except under license of the patent owner;

(D) solicit U.S. agents or distributors for covered product except under license of the patent owner;

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered product, except under license of the patent owner.

### IV.

#### Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, Complainant licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered product by or for the United States.



## V.

### (Reporting)

For purposes of this reporting requirement, the reporting period shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date issuance of this Order through June 30, 2000. This reporting requirement shall continue in force until such time as the Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered product in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of foreign-made covered product that Respondent has imported and sold in the United States during the reporting period and the quantity and value of covered product that remains in inventory at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of the order and may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## VI.

### (Record Keeping and Inspection)

(A) For purposes of securing compliance with this Order, Respondent shall retain any and all records to the sale, offer for sale, marketing, or distribution in the United States of covered product made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of two(2) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary forms are required to be retained by subsection VI(A) of this Order.

## VII

### (Service of Cease and Desist Order)

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the marketing, distribution, or sale of covered product in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(a) of this Order, a copy of the Order upon each successor; and

© Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subsections VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subsections VII(B) and VII© of this order shall remain in effect until the expiration date of the last to expire of the patents specified in Section I herein.

## VIII.

### (Confidentiality)

Any request for confidential treatment of information obtained the Commission pursuant to Sections V and VI of the Order should be in accordance with section 201.6 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## IX.

### (Enforcement)

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## X.

### (Modification)

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

## XI.

### (Bonding)

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the President pursuant to section 337(j) of the Tariff Act of 1930, 19 U.S.C. § 1337(j), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of the articles in question. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered product imported on or after the date of issuance of this Order is subject to the entry bond as set forth in the general exclusion order issued by the Commission simultaneously herewith, and is not subject to this bond provision.

The bond is to be posed in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders (19 C.F.R. § 210.68). The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the President approves, or does not disapprove within the Presidential review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses the Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the President disapproves this Order and no subsequent order issued by the Commission and approved, or not disapproved, by the President,

upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By Order of the Commission.

Donna R. Koehnke  
Secretary

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

_____	)	
In the Matter of	)	
	)	Inv No. 337-TA-406
CERTAIN LENS-FITTED FILM PACKAGES	)	
_____	)	

**ORDER TO CEASE AND DESIST**

**IT IS HEREBY ORDERED THAT** Respondent cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising distributing, offering for sale, transferring (except for exportation), or soliciting U.S. agents or distributors for certain lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I.

(Definitions)

As used in this Order:

(A) "Commission" shall mean the U.S. International Trade Commission.

(B) "Complainant" shall mean Fuji Photo Film Co., Ltd. of Tokyo, Japan, complainant in this investigation, and its successors and assigns.

© "Respondent" shall mean Opticolor Camera, 3213 West Wheeler Street, Seattle, WA 98199.

(D) "Person" shall mean an individual, or any non-governmental partnership, firm,

association, corporation, or other legal or business entity other than the Respondent or its majority owned or controlled subsidiaries, their successors, or assigns.

(E) "United States" shall mean the fifty states, the District of Columbia, and Puerto Rico.

(F) "Covered Product" shall mean imported lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, that infringe one or more of the following claims of one or more of the following patents:

claims 1, 5, 6, 9, and 11 of U.S. Letters Patent 4,833,495; claims 14 and 15 of U.S. Letters Patent 4,855,774; claims 1, 7, 8, and 15 of U.S. Letters Patent 4,884,087; claims 1, 19, and 22 of U.S. Letters Patent 4,954,857 claims I and 9 of U.S. Letters Patent 4,972,649; claim 14 of U.S. Letters Patent 5,063,400; claims 1 and 11 of U.S. Letters Patent 5,235,364; claim 1 of U.S. Letters Patent 5,361,111; claims 1, 15, 23, and 25 of U.S. Letters Patent 5,381,200; claims 1 and 7 of U.S. Letters Patent 5,408,288; claims 1 and 28 of U.S. Letters Patent 5,436,685; claims 1 and 13 of U.S. Letters Patent Re 34,168; the claim of U.S. Letters Patent Des. 345,750; the claim of U.S. Letters Patent Des. 356,101; or the claim of U.S. Letters Patent Des. 372,722

(G) The terms "import" and "importation" refer to importation for entry for consumption under the Customs Laws of the United States.

## II.

### (Applicability)

The provisions of this Cease and Desist Order shall apply to Respondent and any of its principals, stockholders, officers, directors, employees, agents, licenses, distributors, controlled (whether by stock ownership or otherwise) and/or majority owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, *or* otherwise On behalf of Respondent.

### III.

#### (Conduct Prohibited)

The following conduct of the Respondent in the United States is prohibited by the Order. The Respondent shall not:

(A) import or sell for importation into the United States covered product except under license of the patent owner;

(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered product except under license of the patent owner;

© advertise covered product except under license of the patent owner;

(D) solicit U.S. agents or distributors for covered product except under license of the patent owner;

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered product, except under license of the patent owner.

### IV.

#### Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, Complainant licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered product by or for the United States.



## V.

### (Reporting)

For purposes of this reporting requirement, the reporting period shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date issuance of this Order through June 30, 2000. This reporting requirement shall continue in force until such time as the Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered product in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of foreign-made covered product that Respondent has imported and sold in the United States during the reporting period and the quantity and value of covered product that remains in inventory at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of the order and may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## VI.

### (Record Keeping and Inspection)

(A) For purposes of securing compliance with this Order, Respondent shall retain any and all records to the sale, offer for sale, marketing, or distribution in the United States of covered product made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of two(2) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary forms are required to be retained by subsection VI(A) of this Order.

## VII

### (Service of Cease and Desist Order)

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the marketing, distribution, or sale of covered product in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(a) of this Order, a copy of the Order upon each successor; and

© Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subsections VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subsections VII(B) and VII© of this order shall remain in effect until the expiration date of the last to expire of the patents specified in Section I herein.

## VIII.

### (Confidentiality)

Any request for confidential treatment of information obtained the Commission pursuant to Sections V and VI of the Order should be in accordance with section 201.6 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## IX.

### (Enforcement)

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## X.

### (Modification)

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

## XI.

### (Bonding)

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the President pursuant to section 337(j) of the Tariff Act of 1930, 19 U.S.C. § 1337(j), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of the articles in question. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered product imported on or after the date of issuance of this Order is subject to the entry bond as set forth in the general exclusion order issued by the Commission simultaneously herewith, and is not subject to this bond provision.

The bond is to be posed in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders (19 C.F.R. § 210.68). The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the President approves, or does not disapprove within the Presidential review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses the Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the President disapproves this Order and no subsequent order issued by the Commission and approved, or not disapproved, by the President,

upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By Order of the Commission.

Donna R. Koehnke  
Secretary

Issued: June 2, 1999



UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

	)	
In the Matter of	)	
	)	Inv No. 337-TA-406
CERTAIN LENS-FITTED FILM PACKAGES	)	
	)	

**ORDER TO CEASE AND DESIST**

**IT IS HEREBY ORDERED THAT** Respondent cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising distributing, offering for sale, transferring (except for exportation), or soliciting U.S. agents or distributors for certain lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I.

(Definitions)

As used in this Order:

(A) "Commission" shall mean the U.S. International Trade Commission.

(B) "Complainant" shall mean Fuji Photo Film Co., Ltd. of Tokyo, Japan, complainant in this investigation, and its successors and assigns.

© "Respondent" shall mean T.D.A. Trading Corp., 31-16 Hunters Point Avenue, Long Island City, NY 11101.

(D) "Person" shall mean an individual, or any non-governmental partnership, firm,

association, corporation, or other legal or business entity other than the Respondent or its majority owned or controlled subsidiaries, their successors, or assigns.

(E) "United States" shall mean the fifty states, the District of Columbia, and Puerto Rico.

(F) "Covered Product" shall mean imported lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, that infringe one or more of the following claims of one or more of the following patents:

claims 1, 5, 6, 9, and 11 of U.S. Letters Patent 4,833,495; claims 14 and 15 of U.S. Letters Patent 4,855,774; claims 1, 7, 8, and 15 of U.S. Letters Patent 4,884,087; claims 1, 19, and 22 of U.S. Letters Patent 4,954,857 claims I and 9 of U.S. Letters Patent 4,972,649; claim 14 of U.S. Letters Patent 5,063,400; claims 1 and 11 of U.S. Letters Patent 5,235,364; claim 1 of U.S. Letters Patent 5,361,111; claims 1, 15, 23, and 25 of U.S. Letters Patent 5,381,200; claims 1 and 7 of U.S. Letters Patent 5,408,288; claims 1 and 28 of U.S. Letters Patent 5,436,685; claims 1 and 13 of U.S. Letters Patent Re 34,168; the claim of U.S. Letters Patent Des. 345,750; the claim of U.S. Letters Patent Des. 356,101; or the claim of U.S. Letters Patent Des. 372,722

(G) The terms "import" and "importation" refer to importation for entry for consumption under the Customs Laws of the United States.

## II.

### (Applicability)

The provisions of this Cease and Desist Order shall apply to Respondent and any of its principals, stockholders, officers, directors, employees, agents, licenses, distributors, controlled (whether by stock ownership or otherwise) and/or majority owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, *or* otherwise On behalf of Respondent.



### III.

#### (Conduct Prohibited)

The following conduct of the Respondent in the United States is prohibited by the Order. The Respondent shall not:

(A) import or sell for importation into the United States covered product except under license of the patent owner;

(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered product except under license of the patent owner;

© advertise covered product except under license of the patent owner;

(D) solicit U.S. agents or distributors for covered product except under license of the patent owner;

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered product, except under license of the patent owner.

### IV.

#### Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, Complainant licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered product by or for the United States.

## V.

### (Reporting)

For purposes of this reporting requirement, the reporting period shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date issuance of this Order through June 30, 2000. This reporting requirement shall continue in force until such time as the Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered product in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of foreign-made covered product that Respondent has imported and sold in the United States during the reporting period and the quantity and value of covered product that remains in inventory at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of the order and may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## VI.

### (Record Keeping and Inspection)

(A) For purposes of securing compliance with this Order, Respondent shall retain any and all records to the sale, offer for sale, marketing, or distribution in the United States of covered product made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of two(2) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary forms are required to be retained by subsection VI(A) of this Order.

## VII

### (Service of Cease and Desist Order)

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the marketing, distribution, or sale of covered product in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(a) of this Order, a copy of the Order upon each successor; and

© Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subsections VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subsections VII(B) and VII© of this order shall remain in effect until the expiration date of the last to expire of the patents specified in Section I herein.

## VIII.

### (Confidentiality)

Any request for confidential treatment of information obtained the Commission pursuant to Sections V and VI of the Order should be in accordance with section 201.6 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## IX.

### (Enforcement)

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## X.

### (Modification)

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

## XI.

### (Bonding)

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the President pursuant to section 337(j) of the Tariff Act of 1930, 19 U.S.C. § 1337(j), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of the articles in question. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered product imported on or after the date of issuance of this Order is subject to the entry bond as set forth in the general exclusion order issued by the Commission simultaneously herewith, and is not subject to this bond provision.

The bond is to be posed in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders (19 C.F.R. § 210.68). The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the President approves, or does not disapprove within the Presidential review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses the Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the President disapproves this Order and no subsequent order issued by the Commission and approved, or not disapproved, by the President,

upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By Order of the Commission.

Donna R. Koehnke  
Secretary

Issued: June 2, 1999

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

_____	)	
In the Matter of	)	
	)	Inv No. 337-TA-406
CERTAIN LENS-FITTED FILM PACKAGES	)	
_____	)	

**ORDER TO CEASE AND DESIST**

**IT IS HEREBY ORDERED THAT** Respondent cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising distributing, offering for sale, transferring (except for exportation), or soliciting U.S. agents or distributors for certain lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I.

(Definitions)

As used in this Order:

(A) "Commission" shall mean the U.S. International Trade Commission.

(B) "Complainant" shall mean Fuji Photo Film Co., Ltd. of Tokyo, Japan, complainant in this investigation, and its successors and assigns.

© "Respondent" shall mean Vantage Sales, Inc., 600 E. Higgins Road, Elk Grove Village, IL 60007-1519.

(D) "Person" shall mean an individual, or any non-governmental partnership, firm,

association, corporation, or other legal or business entity other than the Respondent or its majority owned or controlled subsidiaries, their successors, or assigns.

(E) "United States" shall mean the fifty states, the District of Columbia, and Puerto Rico.

(F) "Covered Product" shall mean imported lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, that infringe one or more of the following claims of one or more of the following patents:

claims 1, 5, 6, 9, and 11 of U.S. Letters Patent 4,833,495; claims 14 and 15 of U.S. Letters Patent 4,855,774; claims 1, 7, 8, and 15 of U.S. Letters Patent 4,884,087; claims 1, 19, and 22 of U.S. Letters Patent 4,954,857 claims I and 9 of U.S. Letters Patent 4,972,649; claim 14 of U.S. Letters Patent 5,063,400; claims 1 and 11 of U.S. Letters Patent 5,235,364; claim 1 of U.S. Letters Patent 5,361,111; claims 1, 15, 23, and 25 of U.S. Letters Patent 5,381,200; claims 1 and 7 of U.S. Letters Patent 5,408,288; claims 1 and 28 of U.S. Letters Patent 5,436,685; claims 1 and 13 of U.S. Letters Patent Re 34,168; the claim of U.S. Letters Patent Des. 345,750; the claim of U.S. Letters Patent Des. 356,101; or the claim of U.S. Letters Patent Des. 372,722

(G) The terms "import" and "importation" refer to importation for entry for consumption under the Customs Laws of the United States.

## II.

### (Applicability)

The provisions of this Cease and Desist Order shall apply to Respondent and any of its principals, stockholders, officers, directors, employees, agents, licenses, distributors, controlled (whether by stock ownership or otherwise) and/or majority owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, *or* otherwise On behalf of Respondent.



### III.

#### (Conduct Prohibited)

The following conduct of the Respondent in the United States is prohibited by the Order. The Respondent shall not:

(A) import or sell for importation into the United States covered product except under license of the patent owner;

(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered product except under license of the patent owner;

© advertise covered product except under license of the patent owner;

(D) solicit U.S. agents or distributors for covered product except under license of the patent owner;

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered product, except under license of the patent owner.

### IV.

#### Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, Complainant licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered product by or for the United States.

## V.

### (Reporting)

For purposes of this reporting requirement, the reporting period shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date issuance of this Order through June 30, 2000. This reporting requirement shall continue in force until such time as the Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered product in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of foreign-made covered product that Respondent has imported and sold in the United States during the reporting period and the quantity and value of covered product that remains in inventory at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of the order and may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## VI.

### (Record Keeping and Inspection)

(A) For purposes of securing compliance with this Order, Respondent shall retain any and all records to the sale, offer for sale, marketing, or distribution in the United States of covered product made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of two(2) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary forms are required to be retained by subsection VI(A) of this Order.

## VII

### (Service of Cease and Desist Order)

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the marketing, distribution, or sale of covered product in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(a) of this Order, a copy of the Order upon each successor; and

© Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subsections VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subsections VII(B) and VII© of this order shall remain in effect until the expiration date of the last to expire of the patents specified in Section I herein.

## VIII.

### (Confidentiality)

Any request for confidential treatment of information obtained the Commission pursuant to Sections V and VI of the Order should be in accordance with section 201.6 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## IX.

### (Enforcement)

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## X.

### (Modification)

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

## XI.

### (Bonding)

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the President pursuant to section 337(j) of the Tariff Act of 1930, 19 U.S.C. § 1337(j), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of the articles in question. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered product imported on or after the date of issuance of this Order is subject to the entry bond as set forth in the general exclusion order issued by the Commission simultaneously herewith, and is not subject to this bond provision.

The bond is to be posed in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders (19 C.F.R. § 210.68). The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the President approves, or does not disapprove within the Presidential review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses the Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the President disapproves this Order and no subsequent order issued by the Commission and approved, or not disapproved, by the President,

upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By Order of the Commission.

Donna R. Koehnke  
Secretary

Issued: June 2, 1999

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

_____	)	
In the Matter of	)	
	)	Inv No. 337-TA-406
CERTAIN LENS-FITTED FILM PACKAGES	)	
_____	)	

**ORDER TO CEASE AND DESIST**

**IT IS HEREBY ORDERED THAT** Respondent cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising distributing, offering for sale, transferring (except for exportation), or soliciting U.S. agents or distributors for certain lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

I.

(Definitions)

As used in this Order:

(A) "Commission" shall mean the U.S. International Trade Commission.

(B) "Complainant" shall mean Fuji Photo Film Co., Ltd. of Tokyo, Japan, complainant in this investigation, and its successors and assigns.

© "Respondent" shall mean Vivitar Corp., 1280 Rancho Conejo Blvd., Newbury Park, CA 91320-1403.

(D) "Person" shall mean an individual, or any non-governmental partnership, firm,

association, corporation, or other legal or business entity other than the Respondent or its majority owned or controlled subsidiaries, their successors, or assigns.

(E) "United States" shall mean the fifty states, the District of Columbia, and Puerto Rico.

(F) "Covered Product" shall mean imported lens-fitted film packages, also known as one-time use cameras, single use cameras, and disposable cameras, that infringe one or more of the following claims of one or more of the following patents:

claims 1, 5, 6, 9, and 11 of U.S. Letters Patent 4,833,495; claims 14 and 15 of U.S. Letters Patent 4,855,774; claims 1, 7, 8, and 15 of U.S. Letters Patent 4,884,087; claims 1, 19, and 22 of U.S. Letters Patent 4,954,857 claims I and 9 of U.S. Letters Patent 4,972,649; claim 14 of U.S. Letters Patent 5,063,400; claims 1 and 11 of U.S. Letters Patent 5,235,364; claim 1 of U.S. Letters Patent 5,361,111; claims 1, 15, 23, and 25 of U.S. Letters Patent 5,381,200; claims 1 and 7 of U.S. Letters Patent 5,408,288; claims 1 and 28 of U.S. Letters Patent 5,436,685; claims 1 and 13 of U.S. Letters Patent Re 34,168; the claim of U.S. Letters Patent Des. 345,750; the claim of U.S. Letters Patent Des. 356,101; or the claim of U.S. Letters Patent Des. 372,722

(G) The terms "import" and "importation" refer to importation for entry for consumption under the Customs Laws of the United States.

## II.

### (Applicability)

The provisions of this Cease and Desist Order shall apply to Respondent and any of its principals, stockholders, officers, directors, employees, agents, licenses, distributors, controlled (whether by stock ownership or otherwise) and/or majority owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, *or* otherwise On behalf of Respondent.



### III.

#### (Conduct Prohibited)

The following conduct of the Respondent in the United States is prohibited by the Order. The Respondent shall not:

(A) import or sell for importation into the United States covered product except under license of the patent owner;

(B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) in the United States imported covered product except under license of the patent owner;

© advertise covered product except under license of the patent owner;

(D) solicit U.S. agents or distributors for covered product except under license of the patent owner;

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered product, except under license of the patent owner.

### IV.

#### Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, Complainant licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered product by or for the United States.

## V.

### (Reporting)

For purposes of this reporting requirement, the reporting period shall commence on July 1 of each year and shall end on the subsequent JUNE 30. However, the first report required under this section shall cover the period from the date issuance of this Order through June 30, 2000. This reporting requirement shall continue in force until such time as the Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered product in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of foreign-made covered product that Respondent has imported and sold in the United States during the reporting period and the quantity and value of covered product that remains in inventory at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of the order and may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## VI.

### (Record Keeping and Inspection)

(A) For purposes of securing compliance with this Order, Respondent shall retain any and all records to the sale, offer for sale, marketing, or distribution in the United States of covered product made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of two(2) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary forms are required to be retained by subsection VI(A) of this Order.

## VII

### (Service of Cease and Desist Order)

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the marketing, distribution, or sale of covered product in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(a) of this Order, a copy of the Order upon each successor; and

© Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subsections VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subsections VII(B) and VII© of this order shall remain in effect until the expiration date of the last to expire of the patents specified in Section I herein.

## VIII.

### (Confidentiality)

Any request for confidential treatment of information obtained the Commission pursuant to Sections V and VI of the Order should be in accordance with section 201.6 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## IX.

### (Enforcement)

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## X.

### (Modification)

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

## XI.

### (Bonding)

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the President pursuant to section 337(j) of the Tariff Act of 1930, 19 U.S.C. § 1337(j), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of the articles in question. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered product imported on or after the date of issuance of this Order is subject to the entry bond as set forth in the general exclusion order issued by the Commission simultaneously herewith, and is not subject to this bond provision.

The bond is to be posed in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders (19 C.F.R. § 210.68). The bond and any accompanying documentation is to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order.

The bond is to be forfeited in the event that the President approves, or does not disapprove within the Presidential review period, this Order, unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses the Commission final determination and order as to Respondent on appeal, or unless Respondent exports the products subject to this bond or destroys them and provides certification to that effect satisfactory to the Commission.

The bond is to be released in the event the President disapproves this Order and no subsequent order issued by the Commission and approved, or not disapproved, by the President,

upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By Order of the Commission.

Donna R. Koehnke  
Secretary

Issued: June 2, 1999

